
Appeal Decision

Site visit made on 31 July 2017

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 August 2017

Appeal Ref: APP/R5510/W/17/3171810

Pavement outside 1-4 High Street, Uxbridge UB8 1BP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Derek Parkin (Infocus Public Networks) against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 72449/APP/2016/4549, dated 14 December 2016, was refused by notice dated 3 February 2017.
 - The development proposed is a public call box.
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Decision

1. The appeal is dismissed.

Main Issues

2. The appeal follows the refusal of prior approval by the Council for a proposal covered by the terms of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Within certain limits the GPDO grants permission for the development of telecommunications equipment subject to a prior approval procedure. The GPDO makes it clear that the relevant issues to consider when assessing applications of this type are the siting and appearance of the proposal. As a consequence, I consider the main issues in this appeal to be firstly, whether the siting and appearance of the proposed call box would preserve the character and appearance of the Old Uxbridge-Windsor Street Conservation Area; and secondly, the effects of its siting on the pedestrian environment.

Reasons

The Conservation Area

3. The appeal site is within the town centre, and located within the Old Uxbridge-Windsor Street Conservation Area. High Street, in the immediate environs of the appeal site, has the character of a shared surface area: no kerb edge is employed to separate the narrow highway from the pavement at this point, instead, differing paving materials and a regular line of bollards and slender lamp-posts serve to delineate the footway from the part of the street open to vehicular traffic. Taken together, the approach to street surfacing in the area, the numerous street trees, and the consistent design and deployment of furniture, impart a spacious and coherent character to the streetscene. The

- resultant quality of the streetscene also creates an attractive and relatively uncluttered setting for the buildings that line this historic route through the Conservation Area, and thus contributes to its character and appearance.
4. The appeal scheme comprises a steel-framed telephone kiosk which features extensive glazing. It would be open to the pavement, without a door, and would be level with the street affording good wheelchair access.
 5. I saw that the appeal site is inter-visible with, and in line with other street furniture and trees within its immediate environs, including the lampposts, bollards, benches, bicycle racks and bins. However, these items are of a consistent and coherent design, and aside from the lamp-posts are small in scale. The appeal scheme would introduce an element the scale and site coverage of which would be out of kilter with the coherence of the streetscene at this point. Moreover, the proposed call box would be located close to one of the lampposts, which would interfere with the regular rhythm of the existing street furniture, and create a sense of cluttered congestion, serving to undermine the spacious character of the streetscene. In doing so it would erode the streetscene's positive contribution to the character and appearance of the Conservation Area.
 6. I note that the appellant considers the proposed call box's design to be similar to that of modern bus shelters. However, this part of the High Street, due to its nature and design has no bus shelters present. Consequently, this aspect of the proposed call box's design would not help to mitigate the incongruity of its siting.
 7. Accordingly, and mindful of the duty arising from section 72(1) of the Planning (Listed Buildings & Conservation Areas) Act 1990, I conclude that the siting of the proposed call box would fail to preserve the character and appearance of the Conservation Area. For these reasons too, it would conflict with Policies BE1 and HE1 of the Hillingdon Local Plan: Part One-Strategic Policies (adopted November 2012) (the Strategic Policies) and Policies BE4, BE13, BE26 or BE37 of the Hillingdon Unitary Development Plan (adopted 1998) (the UDP). Taken together, and amongst other things, these policies seek to ensure that new telecommunications installations maintain the quality of the built environment, and are sited and designed to minimise their effects on their surrounding areas, harmonise with the streetscene and preserve those features of conservation areas which contribute to their special architectural and visual qualities.

Pedestrian Environment

8. Due to the spacious nature of the footway, and the established zone of street furniture and trees in the environs of the appeal site I saw that pedestrian flows were directed around it, and could be comfortably accommodated. As a result, I consider that the siting of the proposed call box would cause no undue harm or inconvenience to pedestrians or other footway users.
9. The generous spacing between the extant elements of street furniture in the environs of the appeal site, combined with the width of the footway in front of the adjacent buildings leads me to the view that the proposed siting of the call box would not impair the ability of servicing vehicles to access adjacent properties. Consequently, I find that no significant harm to highway or pedestrian safety would arise in these regards as a result of the appeal scheme.

10. Thus for these reasons, I consider that the siting of the proposed call box would not result in any significantly detrimental effects to the pedestrian environment. The proposed call box would thus not conflict with Policy AM7 of the UDP insofar as it seeks, amongst other things, to ensure that developments avoid traffic generation likely to prejudice conditions of general highway or pedestrian safety.

Other Matters

11. I readily accept that the proposed call box would facilitate access for wheelchair users due to its open-sided nature and that some of the more traditional kiosks in the environs of the appeal site would not facilitate this. Indeed in this regard the call box would meet Ofcom requirements. This would be a benefit of the proposed call box, that weighs in favour of its approval to a moderate degree; and in arriving at this view I am cognisant of the Public Sector Equality Duty (the PSED) arising from the Equalities Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it.
12. Mindful of the PSED also, I note the appellant's comments that public call boxes are used by residents in urban locations, particularly members of minority ethnic groups and children accessing services such as Childline. I note too that free emergency services calls, operator services, and directory enquiries are available from call boxes. I am mindful also of comments that minimum call costs from the proposed call box would be lower than those of adjacent boxes. Again these would be benefits of the proposal, but given the presence of extant facilities in the area that offer these services, and the lack of substantive evidence regarding comparative call costs, they weigh in its favour only to a modest degree.
13. The call box design is solar powered and employs mobile technology reducing the need for invasive work to the street surface or connections to public utilities. This is a matter that weighs in favour of the scheme, but only to a limited degree.
14. I note the appellant's comment that the design of the call box, its open nature and the extent of glazing employed could reduce the potential for anti-social behaviour in connection with it, including the placement of unauthorised advertisements. However, this is merely evidence of a potential lack of harm in these respects rather than a positive aspect of the scheme, and thus only has a neutral effect on the overall planning balance.

Conclusion

15. The National Planning Policy Framework (the Framework) establishes that great weight should be attached to the conservation of heritage assets in the consideration of the impacts of proposed developments on their significance. For the reasons given above, the siting and appearance of the proposed call box would fail to preserve the character and appearance of the Conservation Area, and would thus harm its significance. For the purposes of the Framework, whilst in the context of the Conservation Area taken as a whole this would clearly amount to less than substantial harm, this does not indicate that less than substantial weight should be attached to this matter. Indeed the Framework establishes, at paragraph 134, that where a development proposal

would lead to less than substantial harm, this harm should be weighed against the public benefits of the proposal. In this case for the reasons set out above, the public benefits advanced in favour of the scheme, either individually or cumulatively, do not outweigh the great weight and importance I attach to the Conservation Area harm. As a consequence the proposed call box would clearly conflict with the Framework in this regard.

16. In the overall planning balance, the harm to the character and appearance of the Conservation Area would also outweigh the lack of harm the appeal scheme would cause to the pedestrian environment. Accordingly, for the reasons given above, and taking into account all other matters raised, the appeal should be dismissed.

G J Fort

INSPECTOR