
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/17/3171798

Pavement outside 185-186 High Street, Uxbridge UB8 1LA

- 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 against the decision of the Council of the London Borough of Hillingdon.
 - The application Ref 72455/APP/2016/4555, 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.

Background and 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. Located in a town centre location, and within the Old Uxbridge- Windsor Street Conservation Area, the appeal site is located in an area of High Street the surfacing of which is shared between vehicular traffic and pedestrians, but demarcated by differing surfacing materials employed on the street. The street surfacing, taken together with the coherent detailing of the minimal street furniture employed in the environs of the site impart an orderly and attractive character to the public realm. The streetscene's qualities in this regard are enhanced by the verdant sense of sense of spaciousness imparted by the street trees immediately adjacent to the appeal site and within its wider

surroundings. The quality of the public realm in this part of High Street is sensitive to the historic route through the Conservation Area, and provides an attractive and open setting for buildings that address it, contributing considerably to its wider 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. The proposed call box would be of a scale and site coverage at variance with the generally more slender or smaller elements of street furniture within its immediate environs. Thus whilst being in part of the street wherein other items of street furniture and street trees are located, the proposed call box would appear as an incongruous element within it and would therefore undermine the coherence of the streetscene. Furthermore, in being located close to a bin, tree and benches it would create a sense of cramped congestion on its site and surroundings at variance with the generally more spacious character of the immediate streetscene.
6. Whilst I am cognisant of the appellant's view that the proposed call box would resemble a modern bus shelter, this part of the High Street does not appear to accommodate a bus route, and furthermore, no modern bus shelters are inter-visible with the appeal site to any material degree. Consequently, this aspect of the proposed call box's design would not serve to soften its harmful incongruity within this area of High Street.
7. The proposed call box would diminish the quality of the surrounding streetscene, and as a result would erode its contribution to the character and appearance of the Conservation Area. As a consequence, and mindful of the duty arising from section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I conclude that the appeal scheme would fail to preserve the character and appearance of the Old Uxbridge-Windsor Street Conservation Area.
8. For these reasons also, the proposed call box 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

9. The appeal site would be located within an established part of the pavement occupied by street furniture and trees. I saw that within its immediate environs the pavement is reasonably broad, and the shared surface allows opportunities for convenient flow through the area for pedestrians and other footway users. As a consequence, I consider that the siting of the proposed call box would not constrain pedestrian flow through the area to any material degree, or cause inconvenience to any other users of the footway.

10. I note the Council's comments that the call box's proposed siting could impair the ability of service vehicles to access adjacent properties. However, due to the width of the pavement adjacent to the appeal site I consider that adequate space would be available for service vehicles to access adjacent properties, and thus discern that no harmful effects would flow from the scheme in this regard.
11. Accordingly, for the reasons set out above, I consider that the proposed call box would cause no significantly detrimental effects to the pedestrian environment. As a consequence, I find no conflict with Policy AM7 of the UDP in these regards, which seeks to ensure that developments avoid traffic generation likely to prejudice conditions of general highway or pedestrian safety.

Other Matters

12. 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.
13. 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.
14. 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.
15. 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

16. 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 harms. As a consequence the proposed call box would clearly conflict with the Framework in this regard.

17. 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