
Appeal Decision

Site visit made on 1 August 2017

by Debbie Moore BSc (HONS) MCD MRTPI PGDip

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

Decision date: 21st August 2017.

Appeal Ref: APP/H5390/W/17/3171424
24 Kings Mall, King Street, London W6 0PZ

- 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, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Infocus Public Networks Ltd against the decision of the Council of the London Borough of Hammersmith and Fulham.
 - The application Ref 2016/05529/TEL56, dated 16 December 2016, was refused by notice dated 9 February 2017.
 - The development proposed is installation of an electronic communications apparatus.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development provided in the application form.
3. The Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO) enables certain types of development to take place without the need for a specific planning permission, provided certain criteria are met. Provisions exist under Schedule 2, Part 16, Class A for the installation of electronic communications apparatus, subject to certain limitations.
4. In refusing the application, the Council stated that it considered that prior approval of the siting and appearance of the apparatus would be required, and that approval was refused due to its impact on visual amenity and pedestrian movement and safety.

Main Issue

5. The main issue is whether or not approval should be given in respect of the siting and appearance of the development, with particular regard to its effect on the character and appearance of the area and pedestrian safety.

Reasons

6. The application sought approval for the siting and appearance of a solar powered payphone kiosk with wheelchair access. The approximate dimensions would be 1.4 metres by 1.2 metres by 2.6 metres high. The kiosk would be glazed with a canopy and supported by a solid frame, which would be powder

coated steel. The structure would be three sided and would be fully accessible to wheelchairs users or other people with limited mobility.

7. The proposed kiosk would be sited at the back of the kerb, in front of the shopping frontage on Kings Mall, on the northern side of King Street. It would be close to a pedestrian crossing. The Council states that the pavement in this area has been upgraded as part of public realm improvements.
8. Although the pavement is fairly wide in this location, there is a high level of pedestrian activity due to the shops and the crossing point. Aside from street trees, cycle stands and the traffic light column, there is limited street furniture in the area. Overall, the street scene is uncluttered and free from encumbrances to pedestrian movement.
9. The kiosk would be prominently located close to the carriageway. Due to its proposed siting and size, the kiosk would stand out as an obtrusive feature in an otherwise uncluttered street scene. The development would not blend in with its surroundings and it would not complement the built environment to the detriment of visual amenity.
10. The kiosk would be sited on the busy pavement, directly in the path of pedestrians, especially people moving towards the crossing. It would hinder pedestrian movement and access, and would also be likely to lead to conflict between highway users.
11. The kiosk would be adjacent to the boundary of the Hammersmith Broadway Conservation Area. The Council states it would be close to the locally listed Lyric Theatre and opposite 21-33 King Street, which are also included in the Council's Local Register of Buildings of Merit. The kiosk would be separated from the Conservation Area by the road. Due to the separation distance and intervening road, I find that the development would preserve the character and appearance of the Conservation Area, and its significance would be unaffected. The locally listed theatre is close to the site of the proposed kiosk, but the scale of the kiosk in relation to the buildings is such that it would not adversely affect the significance of the building as a non-designated heritage asset. Similarly, the kiosk would be separated from Nos 21-33 King Street by the road and it would not affect the significance of the buildings. However, this does not overcome my concerns about street scene, as set out above.
12. Overall, I find that the development would adversely affect pedestrian movement. Moreover, it would be obtrusive, and the character and appearance of the street scene would be adversely affected.

Conclusion

13. I conclude that approval should not be given in respect of the siting and appearance of the development.
14. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector