
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/17/3171432
291-293 King Street, London W6 9NH

- 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 2016/05532/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 towards the front of the pavement on the southern side of King Street. It would be located in front of a parade of shops occupying the ground floor of a row of terraced buildings, which have architectural features consistent with the late Victorian/Edwardian era. The pavement is relatively wide in this location and is occupied by a line of trees. There is other street furniture in the area, including an existing telephone kiosk and utility cabinets, but these are set back from the edge of the kerb. There are cycle racks close to the kerb, but these are single loop and are not conspicuous.
8. The pavement in this area is well-used by pedestrians visiting local shops and restaurants. Despite the existing street furniture, the street scene is pleasant and the pavement forms an attractive setting to the terraced buildings behind. The kiosk would be prominently located close to the carriageway, and it would be more visible than the other development on the pavement. It would be a relatively large structure, and despite the use of glazed panels, it would stand out as an obtrusive feature. The kiosk would not be well located and would not complement its surroundings due to its size and prominent siting.
9. The kiosk would be situated between a tree, which is located mid-pavement, and cycle racks at the edge of the kerb. It would hinder pedestrian movement and access, and would also be likely to lead to conflict between footway users, especially between pedestrians and people seeking to use the nearby cycle racks.
10. The kiosk would be close to the corner of the Ravenscourt and Starch Green Conservation Area, but 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. However, my concerns about street scene, as set out above, remain.
11. Overall, I find that the development would be obtrusive, and the character and appearance of the street scene would be adversely affected. Also, it would hinder pedestrian movement.

Conclusion

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

Debbie Moore

Inspector