
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/17/3171430

206–208 Hammersmith Road, London W6 7DH

- 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 2016/05531/TEL56, dated 16 December 2016, was refused by notice dated 8 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) 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 situated on the pavement alongside Hammersmith Road, which is a busy road forming part of the Strategic Road Network. It would be sited close to the edge of the kerb and would be highly visible to drivers, especially those turning right into Butterwick. There is other street furniture at the back of the footway, including a lamppost and a litter bin, but overall the wide pavement is relatively free of clutter. There are bus shelters towards the rear of the pavement and, although larger than the proposed kiosk, they are less prominently sited. There is a high level of pedestrian activity in this area, due to the pedestrian crossing and the nearby bus station. The Council states that the area has recently been upgraded as part of public realm improvements and the pavement in this location has been de-cluttered.
8. The kiosk would be prominently located close to the carriageway, on the approach to the busy pedestrian crossing. There is a risk that the structure would prove distracting for drivers and would obstruct vehicle sight lines to the detriment of highway safety. Also, the kiosk would stand out on the pavement which is relatively free of street furniture and, consequently, it would appear as an obtrusive feature in the street scene.
9. The kiosk would be sited opposite the boundary to the Brook Green Conservation Area. The Council states that it would also be opposite the listed Sacred Heart High School and No 204-208 Hammersmith Road, which is a late Victorian building on the Council's Local Register of Buildings of Merit. The kiosk would be separated from the designated and non-designated heritage assets by the main 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 the setting of the listed building. The significance of the designated and non-designated heritage assets would be unaffected. However, this does not overcome my concerns in relation to street scene, as set out above.
10. Overall, I find that the development would adversely affect highway and pedestrian safety due to its siting at the edge of the busy carriageway and close to a pedestrian crossing. Also, the kiosk would be overly prominent in the street scene and would adversely affect visual amenity.

Conclusion

11. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector