
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/17/3171408

Unit A West 12 Shopping Centre , Shepherds Bush Green, London W12 8PH

- 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 2016/05524/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 pedestrian movement and safety.

Main Issues

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 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 towards the front of the footway running alongside Shepherds Bush Green, which is a busy road forming part of the Strategic Road Network. The siting would be close to the pedestrian crossing and the entrance to the shopping mall. Although the footway is relatively wide in this location, it is shared by pedestrians and cyclists and there is a high level of pedestrian traffic.
8. There is other street furniture in the vicinity, including lampposts, signage posts and a bank of cycle racks. These are also located at the back of the kerb, but do not encroach onto the shared footway/cycleway. In contrast, the kiosk would be larger and would extend onto the area of the pavement which is delineated as cycleway. It would reduce the available width of the footway for pedestrians and cyclists, leading to a risk of conflict between users and increased congestion.
9. The kiosk would be sited close to the boundary of the Shepherds Bush Common Conservation Area but would be separated by the main road. Also, the glazed panels would minimise the impact of the development. Due to the siting and materials, I find that the development would preserve the character and appearance of the designated heritage asset, and its significance would be unaffected.
10. Overall, I find that the development would reduce footway availability, leading to conflict between footway users and there would be an increased risk of congestion to the detriment of pedestrian safety.

Conclusion

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

Debbie Moore

Inspector