
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/17/3171428
2-3 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 2016/05530/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) 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 on the pavement in front of the primary shopping frontage of Kings Mall, on the northern side of King Street. It would be situated close to the kerb between a lighting column and a row of single cycle racks. This section of King Street has a single carriageway but it forms part of the Strategic Road Network.
8. The pavement narrows in this location and there is a relatively high level of pedestrian activity due to the shops. The cycle racks and lighting column, in addition to a line of trees, already restrict pedestrian movement. The size and siting of the proposed kiosk is such that pedestrian movement would be further restricted leading to congestion and potential conflict between footway users, especially those with limited mobility.
9. The Council states that the area has recently been upgraded as part of public realm improvements. Due to the narrowing of the pavement, the development would lead to a concentration of street furniture in the locality which would give the pavement a cluttered appearance. Despite the use of glazed materials, the development would be a large structure in relation to its surroundings, and it would appear obtrusive. Overall, the development would be detrimental to visual amenity.
10. The kiosk would be located close to the corner boundary of the King Street (East) Conservation Area and the Council advises that it would also be close to the Hammersmith Broadway Conservation Area. The kiosk would be separated from the designated heritage assets 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, this does not overcome my concerns in relation to street scene, as set out above.
11. Overall, I find that the development would adversely affect pedestrian movement due to its size and siting. Also, the kiosk would be obtrusive and it would result in a cluttered appearance to the detriment of the character and appearance of the street scene.

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