
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/17/3171415
19 Wood Lane, London W12 7DP

- 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 2016/05526/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) (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, adjacent to a layby on the A219 Wood Lane, which forms part of the Strategic Road Network. It would be close to the entrance to the Westfield Shopping Centre and the public library. The Council states that the public realm in the area has been upgraded as part of recent improvements to the White City Opportunity Area.
8. The improvements to the public realm are evident and the area around the entrance to the shopping centre exhibits strong elements of urban design. Street furniture is well located and displays a unity in terms of form and materials. There is a bank of hire cycles and other cycle parking in the vicinity, which integrates with the street scene.
9. The kiosk would be located at the northern edge of the layby, close to a tree and a row of cycle stands. It would be highly visible from the entrance to the shopping centre and the public area in front of the library. The kiosk would not complement its surroundings due to its siting, scale and materials. Overall, it would undermine the Council's stated objective to create a quality and unified public realm along this part of Wood Lane.
10. The pavement in the vicinity is frequented by pedestrians and other people making use of the public space. The kiosk would be prominently located between the layby, which is used as a dropping-off point, and the steps leading to the shopping centre. Also, the island between the layby and the carriageway is used for cycle parking and the layby itself is crossed by cyclists and pedestrians. The siting of the kiosk in this location would reduce the available width of footway and would hinder the movement of pedestrians. It would also be likely to lead to conflict with other users of the highway and obscure the visibility of vehicles using the layby, to the detriment of highway safety.
11. The kiosk would be close to the Shepherds Bush Conservation Area, and the Council advises that it would also be in close proximity to Old Drill Hall, which is on the Council's Local Register of Buildings of Merit. The kiosk would be separated from the Conservation Area by a road and intervening buildings. Consequently, I find that the development would preserve the character and appearance of the Conservation Area, and its significance would be unaffected. I have not been provided with any details of the location of Old Drill Hall and I am unable to make an assessment of whether the proposal would affect the significance of the non-designated heritage asset.
12. Overall, I find that the development would adversely affect the character and appearance of the street scene. Also, it would hinder pedestrian movement due to its siting, and would lead to conflict between users of the highway to the detriment of highway safety.

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