
Appeal Decision

Site visit made on 2 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: 25th August 2017.

Appeal Ref: APP/V5570/W/17/3175731

Pavement Outside of 80-86 Old Street, Islington, London EC1V 9NN

- 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 Islington.
 - The application Ref P2017/0497/PRA, dated 6 February 2017, was refused by notice dated 28 March 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 as given 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 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 the function of the public highway and the safety of highway users, and the character and appearance of the area.

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 regard to its effect on highway safety and the character and appearance of the area, in particular the St Luke's Conservation Area.

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 kiosk would be sited on the relatively narrow pavement, in an area characterised by commercial development. It would be set back from the edge of the kerb by 0.5 metres, and would be adjacent to a lamp column and two post boxes. There is a bus lane running alongside the pavement, on the westbound carriageway.
 8. The Council states that the pavement in this location has a high footfall due to the area's commercial nature and proximity to the Old Street transport interchange. The kiosk would be sited close to the bus lane, which is also used by cyclists. Transport for London has advised that a gap of 0.6 metres from the kerb is required to allow sufficient space for cyclists and other vehicles. The guidance is set out in Transport for London's 'Streetscape Guidance' (2016). This requires a kerb zone to be kept free of obstruction to prevent cyclists being forced into the roadway and to prevent damage to passing vehicles. The guidance allows for varying widths according to site-specific circumstances.
 9. During my site visit, I saw that the road was heavily trafficked and there were a number of buses and larger vehicles frequently passing the site. Given this context, I consider that a kerb free zone of 0.6 metres, which is at the upper end of the scale, is not unreasonable. The kiosk would not comply with the guidelines in terms of its siting, and there is a risk that it would adversely affect the ability of cyclists, or other vehicles using the bus lane, to pass safely. If road users are forced into the main carriageway, this would significantly affect highway safety.
 10. The Council states that the remaining pavement width would be 2.6 metres. This would be below the 3.3 metres advocated by Transport for London, having regard to its 'Pedestrian Comfort Guidance' (2010). There is very limited evidence to demonstrate that the site is within a low flow area, where a reduced width may be acceptable. Given the surrounding land uses the area is likely to be busy, and the pavement is already narrow. The kiosk would reduce the available width of footway, and would be an obstruction to pedestrians and other users. Although it would be sited adjacent to existing street furniture, it would be a relatively large structure that would occupy more pavement space and would hinder movement.
 11. Consequently, I find that the development would have an adverse effect on the function of the public highway and the safety of highway users.
 12. The development would be within the Conservation Area, which straddles the historic thoroughfares of Whitecross Street and Old Street. The kiosk would be highly visible due to its size relative to the width of the pavement, and other street furniture in the vicinity. It would be sited close to the kerb and would be prominent in views from the westbound carriageway. The kiosk would be a dominant feature that would appear obtrusive in the street scene. It would also contribute to visual clutter, which would be contrary to the aims of the Council's 'Streetbook' Supplementary Planning Document (2012), which aims to rationalise street furniture. Furthermore, the proliferation of uncoordinated street furniture would have an adverse effect on the significance of Old Street as a historic thoroughfare.

13. Overall, I find that the development would have an adverse effect on visual amenity and would not preserve the character and appearance of the Conservation Area.

Conclusion

14. I conclude that the development would lead to harm, as described above. Whilst, the harm to the significance of the designated heritage asset would be relatively localised, and therefore less than substantial in terms of the national policy, I give great weight to the preservation of the Conservation Area. There are limited clear public benefits that would outweigh the harm in this instance.
15. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector