

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/17/3175736

Opposite 36 Islington Green/Camden Walk, Islington, London N1 8DU

- 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 P2017/0490/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 and the address 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 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 the function of the public highway and 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 the character and appearance of the area, in particular The Angel Conservation Area, and highway 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 to the south-east of Islington Green Gardens, within the Conservation Area. According to the Council's 'Conservation Area Design Guidelines' (2002), the significance of this part of the Conservation Area can be attributed to the development pattern, and the relationship between the old buildings and public areas, including Islington Green Gardens.
8. The kiosk would be located close to one of the entrances to the gardens on a stretch of footway that is relatively free of street furniture. The uncluttered pavement enables views to the gardens beyond, which form a focal point within the Conservation Area. The kiosk would be a comparatively large structure, of a standard design and constructed from modern materials, and would be prominently located adjacent to the historic park. It would be conspicuous in the street scene and would not complement its surroundings. Consequently, the kiosk would have an adverse effect on the significance of the Conservation Area.
9. Also, the development would contribute to street clutter, contrary to the aims of the Council's 'Streetbook' Supplementary Planning Document (2012), which seeks to rationalise street furniture to create a unified streetscape. Overall, the development would not preserve or enhance the character and appearance of the Conservation Area.
10. The pavement in this location is relatively narrow and the kiosk would reduce the available width of footway. The Council is concerned that the development would conflict with the Transport for London's 'Streetscape Guidance' (2016), which requires a footway clear zone of 2000mm and that the kiosk should be no less than 450mm from the kerb face. The appellant states that the required distances would be exceeded. However, the guidance goes on to state that kiosks should not be installed if doing so would create an obstruction which could pose a safety hazard i.e. at the front of the kerb in close proximity to a junction or side road.
11. The kiosk would be sited towards the front of the pavement and it would be close to a junction. It would impede the flow of pedestrians and other users of the footway, and may force people to step into the carriageway. I appreciate that there is a spilt level kerb, which provides extra pavement width. However, this is at carriageway level and would not necessarily protect pedestrians from passing traffic.
12. The appellant considers the proposed location to be in a 'low flow area' of pedestrian activity. During my site visit, I saw that the pavement in this location is busy due to its proximity to Camden Passage, the gardens and other facilities. I appreciate that this was only a snapshot in time. However, there is very limited evidence to demonstrate the appellant's assertion that most of the pedestrian flow is to the south of the site. I conclude that the development would hinder the flow of pedestrians and other users of the pavement, to the detriment of highway safety.

Conclusion

13. 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.
14. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector