
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/17/3175843

Outside Tesco Express, 122-128 Pentonville Road junction Synthia Street, Islington, London N1 9TT

- 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 P2017/0486/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 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 the function of the public highway and safety of highway users and visual amenity, including the effect on a street tree.

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 highway safety and the character and appearance of the 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 proposed kiosk would be sited on the pavement immediately in front of No 122 Pentonville Road, which is occupied at ground floor level by a convenience store. Pentonville Road is part of the strategic road network, and the footway is busy with people visiting local shops or walking between public transport stops and nearby residences.
 8. Although the pavement in the locality appears relatively wide, part of it forms the forecourt to the convenience store and incorporates a ramp up to the store entrance. This reduces the amount of available footway and, as it is not part of the adopted highway, it cannot be relied upon to form part of the pavement. The kiosk would significantly reduce the available width of pavement, which the Council states would fall below the width required in a high footfall area. The appellant argues that the remaining width of footway would be greater than two metres, which would meet the adopted standards. However, the siting of the kiosk in this location would result in a 'pinch-point', which would be less than two metres in width, according to the plans submitted with the application. The narrowed pavement is likely to force people onto the forecourt of the store or into the carriageway, leading to conflict with other highway users. The kiosk would also hinder the movement of people with limited mobility, especially wheelchair users.
 9. The kiosk would be sited towards the front of the pavement, and would be close to a street tree and a utility cabinet. Despite other street furniture in the vicinity, the kiosk would be a prominent feature in the street scene due to its size and siting. It would be especially visible in views from the northern carriageway and it would appear as an obtrusive feature. The kiosk would contribute to visual clutter and it would adversely affect the appearance of the street scene. Furthermore, it would be sited within the crown spread of a street tree, which currently makes a positive contribution to the area. There is no information before me to demonstrate that measures would be in place to ensure the protection of the tree. It is likely, therefore, that the tree would be damaged during construction or otherwise impacted by the development.
 10. The kiosk would be close to the boundaries of the New River Conservation Area and the Chapel Market / Baron Street Conservation Area, although it would be separated by intervening development. Due to the separation distance, I find that the development would preserve the character and appearance of the Conservation Areas, and their significance would be unaffected. However, this does not overcome my concerns about street scene, as set out above.
 11. Overall, I find that the development would hinder pedestrian movement due to its size and siting, and would lead to conflict between users of the highway. It would also adversely affect 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. For the reasons given above, the appeal is dismissed.

Debbie Moore Inspector