

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/17/3175733

Pavement Area Outside of 213 Old Street, London EC1V 9NR

- 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 P2017/0493/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 allowed and approval is granted under the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of an electronic communications apparatus at Pavement Area Outside of 213 Old Street, London EC1V 9NR in accordance with the terms of the application Ref P2017/0493/PRA, dated 6 February 2017, and the plans submitted with it.

Procedural Matters

2. I have taken the description of development as given in the application form. I have taken the address from the appeal form, as this is more accurate than that 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 the safety of highway users, and visual amenity.

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.

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 pavement at a busy road transport interchange, close to Old Street station. It would be in line with a bank of hire cycles towards the rear of the pavement, and close to the subway railings. There is other street furniture in the vicinity, but overall the pavement is relatively free of obstruction. At the time of my site visit, the building to the rear was undergoing redevelopment.
8. The Council is concerned that the kiosk would impede access to the hire cycles. It would be sited 1 metre from the closest cycle stand and, consequently, it would be possible to access both facilities. The Council also considers that the kiosk would be too close to the subway railings, and it states that a distance of 3.3 metres would be required in accordance with Transport for London guidance.¹ I have considered the relevant document, but the kiosk would be in line with the bank of cycles and would not have a materially greater effect on pedestrian circulation than the existing cycle stands. There would be over 12 metres to the edge of the kerb and, although the area is likely to be busy, the kiosk would not interrupt the flow of pedestrians and other users due to its siting towards the rear of the pavement, adjacent to existing street furniture.
9. The Council advises that the use of the area is likely to intensify as a result of redevelopment. However, the pavement is wide and the kiosk would be relatively well located to minimise its effect on pedestrians and other users of the footway. Transport for London has expressed further concerns about access to the pedestrian crossing, the café, and other facilities. However, the pavement enables a substantial area for circulation, and there is limited evidence to demonstrate that the kiosk would adversely affect routes to nearby facilities.
10. I am referred to an appeal for a similar development. Although the full balance of considerations that informed that decision is not before me, it appears that the site-specific circumstances differed in that the kiosk would have been much closer to the carriageway.
11. Overall, I find that the kiosk would not have an adverse effect on the function of the highway and the safety of highway users.
12. The development would not be prominently sited, as it would be set well back from the kerb. Although there have been recent improvements to the public realm, the kiosk would not lead to a cluttered street scene due to the siting towards the rear of the extensive pavement. The kiosk would be seen in the context of the buildings to the rear and the adjacent cycle parking. It would not stand out as an obtrusive feature and would not have a material adverse effect on the street scene.

¹ Pedestrian Comfort Guidance for London, Transport for London 2010

13. The kiosk would be located opposite the boundary of the Bunhill Fields and Finsbury Square Conservation Area. It would be separated by the road junction and a stretch of pavement. Due to the separation distance and the intervening highway, I am satisfied that the development would not have an adverse effect on the significance of the Conservation Area, which is attributed to the historic buildings and open spaces. The character and appearance of the Conservation Area would be preserved.

Conditions

14. The development is subject to the standard conditions set out in A.2 and A.3 of the GPDO. These include the implementation within five years and the removal of the structure/apparatus when it is no longer required for electronic telecommunications purposes.

Conclusion

15. For the reasons given above, the appeal is allowed.

Debbie Moore

Inspector