
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/17/3175739

Pavement outside of 27 Islington High Street, Islington, London N1 9LH

- 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 P2017/0488/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. 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 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 located within the Conservation Area. According to the Council's 'Conservation Area Design Guidelines' (2002), the significance of this part of the Conservation Area is attributed to the development pattern, and it's numerous historic buildings.
8. The kiosk would be sited in a prominent corner location at the front of the pavement, between a road junction and a loading bay. There is existing street furniture in the vicinity, which includes a large litter bin, a street sign, lampposts, a telephone kiosk and cycle racks. The pavement is narrow and the kiosk would be highly visible, contributing to visual clutter. Moreover, the kiosk would be conspicuous and it would dominate its surroundings, due to its size and siting. The development would be detrimental to the street scene and would be contrary to the aims of the Council's 'Streetbook' Supplementary Planning Document (2012), which seeks to rationalise street furniture to create a unified streetscape. Furthermore, the kiosk would be a modern structure, of a standard design and materials. It would not complement the setting and would adversely affect the significance of this part of the Conservation Area. Overall, the kiosk would not preserve or enhance the character and appearance of the Conservation Area.
9. Although the plans indicate that it would be 600mm from the kerb, part of the kiosk would be closer due to the curve of the road. The pavement is constrained due to the adjoining loading bay and the existing street furniture. It is a busy location due to the road junction, shops and the tube station opposite. There is a high footfall, concentrated along a narrow pavement. The development would significantly reduce the available width of footway, forcing pedestrians into the loading bay or carriageway. The kiosk may also obscure the visibility of drivers exiting the road junction. It also appears that the kiosk would be sited very close to a single cycle rack, which would have to be removed. I find that the siting of the kiosk in this location would obstruct the movement of pedestrians and other users of the highway, and would be detrimental to highway safety.

Conclusion

10. 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.
11. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector