

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/17/3175737

Pavement outside of 8-9 Upper Street, Islington, London N1 0PQ

- 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 P2017/0489/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 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 upper pavement in front of the shopping frontage, within the Conservation Area. According to the Council's 'Conservation Area Design Guidelines' (2002), the significance of this part of Upper Street is attributed to its role as Islington's historic main thoroughfare.
8. The pavement in this locality is wide but is split between an upper and lower level. The difference in levels increases northwards along Upper Street, and further north there are railings between levels, with steps and a ramp to enable access from one level to another. The kiosk would be located at the edge of the upper pavement, close to a step down and an access ramp. In addition to the railings, there are litter bins, a bus shelter, telephone boxes, lampposts, utility cabinets, signage, street trees and cycle stands on the pavement in the vicinity of the site.
9. The kiosk would be a relatively large structure, which would be prominently sited in the middle of the upper pavement. Consequently, it would be conspicuous in the street scene and it would stand out as an obtrusive feature. Despite recent improvements to the public realm, there is already a proliferation of street furniture in the vicinity. 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. The overall effect of the development would be detrimental to the street scene in this locality. It would erode the character of the historic thoroughfare and consequently, it would adversely affect the significance of the Conservation Area. The development would not contribute positively to the urban environment due to its size and siting, and it would not preserve or enhance the character and appearance of the Conservation Area.
10. The kiosk would be sited on a busy section of the pavement, close to the ramp that provides access between the upper and lower pavement. The Council states that the area is exceptionally busy due to the bus stops, tube station and shops. The siting would be inconvenient for pedestrians, especially those users who rely on the ramp, but it would still be possible to manoeuvre or walk around it, due to the width of the pavement. The Council states that the kiosk would be within an area that should be the 'clear footway zone', described in Transport for London's 'Streetscape Guidance' (2016). However, there is other street furniture in this zone, and I do not agree that pedestrians currently rely on this area being free of obstruction. Although the development would hinder movement, due to its size and siting, it would not have a material adverse effect on highway safety or the function of the public highway in general.
11. However, this does not overcome my concerns in relation to character and appearance, and the effect of the development on the Conservation Area, as set out above.

Conclusion

12. 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.
13. For the reasons given above, the appeal is dismissed.

Debbie Moore

Inspector