
Appeal Decisions

Site visits made on 18 September 2017

by Gareth Wildgoose BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 13 October 2017

Appeal A Ref: APP/L5240/W/17/3177885
O/s 132-134 North End, Croydon CR0 1UE

- 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) Order 2015.
 - The appeal is made by Mr Nathan Still on behalf of Infocus Public Networks Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/01426/PA8, dated 15 March 2017, was refused by notice dated 27 April 2017.
 - The development proposed is *'installation of a freestanding payphone kiosk on the pavement'*.
-

Appeal B Ref: APP/L5240/W/17/3177889
O/s Specsavers, 112 North End, Croydon CR0 1UD

- 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) Order 2015.
 - The appeal is made by Mr Nathan Still on behalf of Infocus Public Networks Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/01422/PA8, dated 15 March 2017, was refused by notice dated 27 April 2017.
 - The development proposed is *'installation of a freestanding payphone kiosk on the pavement'*.
-

Appeal C Ref: APP/L5240/W/17/3177893
O/s TSB, 106 North End, Croydon CR0 1UD

- 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) Order 2015.
 - The appeal is made by Mr Nathan Still on behalf of Infocus Public Networks Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/01425/PA8, dated 15 March 2017, was refused by notice dated 27 April 2017.
 - The development proposed is *'installation of a freestanding payphone kiosk on the pavement'*.
-

Appeal D Ref: APP/L5240/W/17/3177898
O/s Thomas Cook, 96-98 North End, Croydon CR0 1UD

- 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) Order 2015.
 - The appeal is made by Mr Nathan Still on behalf of Infocus Public Networks Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/01424/PA8, dated 15 March 2017, was refused by notice dated 27 April 2017.
 - The development proposed is '*installation of a freestanding payphone kiosk on the pavement*'.
-

Appeal E Ref: APP/L5240/W/17/3177901
O/s McDonalds, 86-90 North End, Croydon CR0 1UJ

- 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) Order 2015.
 - The appeal is made by Mr Nathan Still on behalf of Infocus Public Networks Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/01423/PA8, dated 15 March 2017, was refused by notice dated 27 April 2017.
 - The development proposed is '*installation of a freestanding payphone kiosk on the pavement*'.
-

Appeal F Ref: APP/L5240/W/17/3177903
O/s 73 North End, Croydon CR0 1TJ

- 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) Order 2015.
 - The appeal is made by Mr Nathan Still on behalf of Infocus Public Networks Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/01415/PA8, dated 15 March 2017, was refused by notice dated 27 April 2017.
 - The development proposed is '*installation of a freestanding payphone kiosk on the pavement*'.
-

Appeal G Ref: APP/L5240/W/17/3177907
O/s HMV, 38-40 North End, Croydon CR0 1UG

- 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) Order 2015.
 - The appeal is made by Mr Nathan Still on behalf of Infocus Public Networks Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/01417/PA8, dated 15 March 2017, was refused by notice dated 27 April 2017.
 - The development proposed is '*installation of a freestanding payphone kiosk on the pavement*'.
-

Appeal H Ref: APP/L5240/W/17/3177912

O/s Croydon Village Outlet Store, 2-28 North End, Croydon CR9 1SB

- 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) Order 2015.
 - The appeal is made by Mr Nathan Still on behalf of Infocus Public Networks Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/01418/PA8, dated 15 March 2017, was refused by notice dated 27 April 2017.
 - The development proposed is '*installation of a freestanding payphone kiosk on the pavement*'.
-

Appeal I Ref: APP/L5240/W/17/3177913

O/s Croydon Village Outlet Store, 2-28 North End, Croydon CR9 1SB

- 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) Order 2015.
 - The appeal is made by Mr Nathan Still on behalf of Infocus Public Networks Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/01410/PA8, dated 15 March 2017, was refused by notice dated 27 April 2017.
 - The development proposed is '*installation of a freestanding payphone kiosk on the pavement*'.
-

Appeal J Ref: APP/L5240/W/17/3177915

O/s VUE Cinema, 14 High Street, Croydon CR0 1GT

- 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) Order 2015.
 - The appeal is made by Mr Nathan Still on behalf of Infocus Public Networks Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/01421/PA8, dated 15 March 2017, was refused by notice dated 27 April 2017.
 - The development proposed is '*installation of a freestanding payphone kiosk on the pavement*'.
-

Appeal K Ref: APP/L5240/W/17/3177917

O/s Saravannah Bhavan, 18 George Street, Croydon CR0 1PA

- 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) Order 2015.
 - The appeal is made by Mr Nathan Still on behalf of Infocus Public Networks Ltd against the decision of the Council of the London Borough of Croydon.
 - The application Ref 17/01704/PA8, dated 29 March 2017, was refused by notice dated 24 May 2017.
 - The development proposed is '*installation of a freestanding payphone kiosk on the pavement*'.
-

Decisions:

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a freestanding payphone kiosk at O/s Specsavers, 112 North End, Croydon CR0 1UD in accordance with the terms of the application Ref 17/01422/PA8, 15 March 2017, and the plans submitted with it.

Appeal C

3. The appeal is dismissed.

Appeal D

4. The appeal is dismissed.

Appeal E

5. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a freestanding payphone kiosk at O/s McDonalds, 86-90 North End, Croydon CR0 1UJ in accordance with the terms of the application Ref 17/01423/PA8, dated 15 March 2017, and the plans submitted with it.

Appeal F

6. The appeal is dismissed.

Appeal G

7. The appeal is dismissed.

Appeal H

8. The appeal is dismissed.

Appeal I

9. The appeal is dismissed.

Appeal J

10. The appeal is dismissed.

Appeal K

11. The appeal is dismissed.

Procedural Matters

12. The description of development for Appeals A - K is taken from the respective appeal forms to provide certainty of the proposal subject to each appeal. As an electronic communications code operator, the appellant benefits from deemed planning permission for a proposed payphone kiosk (also known as a public call box) under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), subject to prior approval by the local planning authority of siting and appearance. The appellant applied to the Council on that basis. The Council determined that prior approval was required and refused for the siting and appearance of the payphone kiosk subject to each of Appeals A - K.
13. The Council have not made reference to the development plan within its decision notices relating to each of Appeals A - K. Nevertheless, the evidence before me refers to the development plan, including policies within the London Plan (consolidated with alterations since 2011 in July 2016), the Croydon Local Plan: Strategic Policies, adopted April 2013, and Saved Policies of the Croydon Replacement Unitary Development Plan (The Croydon Plan, 2006). However, the principle of development is established by the GPDO and a prior approval relating to paragraph A.3 of Schedule 2, Part 16, Class A of the GPDO includes no requirement that regard be had to the development plan. The provisions of the GPDO require the local planning authority to assess the proposed development solely upon the basis of its siting and appearance, taking into account any representations received. Consequently, Appeals A - K are not determined on the basis of Section 38(6) of the Planning and Compulsory Purchase Act 2004.
14. The National Planning Policy Framework (the Framework) deals with supporting high quality communications infrastructure, including applications for prior approval¹, and requires that local planning authorities must determine applications on planning grounds. As the principle of development is established, considerations such as need for the payphone kiosk are not a relevant matter. However, Appeals A - K are located within Central Croydon Conservation Area and statutory requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. Section 66 of the same Act requires special regard to be paid to the desirability of preserving listed buildings and their settings. The Government's approach in the Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation and that significance can be harmed or lost through development within their setting.
15. Concerns have been expressed regarding the prospect of outside panels of the payphone kiosks being used for advertisements. However, the construction of a kiosk and the display of advertisements are distinct and separate matters requiring different applications. Appeals A - K relate to the construction of a kiosk only and not any advertisement consent that may otherwise be required. I have determined the appeals on that basis.

¹ Part 24 of the GPDO now replaced by Schedule 2, Part 16 of the GPDO

Main Issues

16. The Council's reasons for refusal are identical in terms of the proposal subject to each appeal. I, therefore, consider that the main issue for each of Appeals A - K is whether or not approval should be given in respect of the siting and appearance of the development, with particular regard to whether it would preserve or enhance the character and appearance of Central Croydon Conservation Area, including the setting of listed and locally listed buildings, and the effect upon highway and pedestrian safety.

Reasons

Background

17. The appeals relate to eleven freestanding payphone kiosks, all of which would be located within Central Croydon Conservation Area. Nine kiosks are proposed to be sited in locations on the pedestrian footway within North End (Appeals A - I), with additional kiosks to be located on High Street (Appeal J) and George Street (Appeal K) respectively. The freestanding payphone kiosks consist of the same design, a broadly rectangular structure of approximately 1.38m depth by 1.12m width and an approximate height of 2.6m. The main structure would be three sided, with asymmetrical panels of safety glass in a black steel frame. The design of the kiosk would allow accessibility for people with limited mobility, including wheelchair users and would be solar powered by PV units on the roof which would incorporate a canopy overhang above the main structure.
18. Having regard to the above and Schedule 2, Part 16, Class A of the GPDO, I am satisfied that the kiosk and its constituent parts fall under paragraph A.5 and are reasonably required for the purposes of electronic telecommunications apparatus. The proposed freestanding payphone kiosks, therefore, fall within the permitted development right under Part 16, Class A. However, prior approval under paragraph A.3 is required in terms of siting and appearance for each of the kiosks by paragraph A.2(3) of Part 16.
19. As previously mentioned, each of the kiosks subject to Appeals A - K would be sited within Central Croydon Conservation Area, an urban setting centred around the commercial and civic centre of Croydon and part of Croydon Metropolitan Centre and Croydon Opportunity Area. The Conservation Area includes the primary shopping area along the main north-south linear route consisting of North End and High Street, together with adjoining east-west routes of George Street and Crown Hill which adjoins Church Street Conservation Area to the west. The Central Croydon Conservation Area forms part of the transition of predominantly older and smaller scale buildings associated with Croydon old town to the west and the post war development of predominantly taller and larger scale buildings and infrastructure to the north, east and south. The character and significance of the Conservation Area is derived from its urban street layout and plan form, with a distinctive historic fabric displaying a range of architectural styles including significant concentrations of statutorily listed and locally listed buildings.

Appeal A

20. The payphone kiosk subject to Appeal A would be located close to the northern boundary of the Central Croydon Conservation Area on the pedestrian footway adjoining the eastern side of North End closest to Nos. 132-134 on the section that provides a one way vehicular route onto Poplar Walk from the junction with Station Road, Tamworth Road and London Road.
21. The Central Croydon Conservation Area Appraisal and Management Plan Supplementary Planning Document (CAA-MP), adopted December 2014, indicates that Nos. 132-134 and 136, together with buildings opposite, are locally listed buildings which contribute to the special character of the Conservation Area. There is a variety of shop front signage at ground floor level. However, the largely unaltered facades and architectural detailing of upper floors of buildings that enclose the approach to the pedestrianised section of North End, together with decorative paving on the footway, provide an important sense of arrival into the Conservation Area. The visual effect is emphasised by the long views available of a wider range of buildings along North End to the south at street level, assisted by a largely uncluttered pavement with limited street furniture and only a single street tree in the immediate vicinity of the site.
22. The kiosk would be sited toward the front of the pavement and would be a comparatively large structure, constructed of modern materials which would not look out of place when viewed against adjacent shopfronts. However, the prominent siting of the kiosk close to the road edge, together with its scale and bulk would draw attention to its presence and would harmfully obstruct some views along North End when in close proximity to the site. In that context, the kiosk would be viewed as an overly conspicuous and discordant feature in the existing street scene when compared with the modest proportions of the limited street furniture nearby, such as lighting columns, bicycle rails, traffic signals and signs.
23. In reaching the above findings, I have taken into account that the kiosk would be distant from the other appeal proposals including those on North End (Appeals B - I), which would be located within the pedestrianised area to the south of Poplar Walk. Furthermore, the intervening presence of existing payphone kiosks and street furniture at the front of Nos 114 and 120 provide only a distant backdrop. Consequently, the appeal proposal would not have a harmful effect in terms of an evident proliferation of kiosks when taken in cumulative with other appeal proposals or street furniture. However, the absence of concern in that respect does not outweigh the harm identified.
24. The width of pavement would be reduced by the siting of the proposal. However, there would still be footway space between the kiosk and the front elevation of Nos 132-134 which would exceed the Transport for London (TfL) adopted standards and best practice on footpath accessibility that requires an unobstructed footpath width of no less than 2m. In that regard, the footway would remain sufficiently wide to ensure that the kiosk would not impede pedestrian movement, restrict accessibility of nearby retail and commercial premises, adversely affect pedestrian flows or require pedestrians having to use the carriageway as an alternative. Consequently, the siting of the kiosk as

proposed in Appeal A would not have a detrimental impact upon the function of the public highway and the safety of highway users, including pedestrians. However, the absence of concern in that respect is a neutral factor.

25. The harm arising from the proposal would affect the character and appearance of the Conservation Area at its northern entrance when viewed in the immediate vicinity of the site. However, as the harm would be localised and from limited vantage points along the pedestrian footway on the eastern edge of North End it would be less than substantial to the significance of Central Croydon Conservation Area as a whole, including the setting of nearby locally listed buildings. There are public benefits arising from the proposal in terms of improved accessibility to payphone kiosks for people with limited mobility, including wheelchair users, when compared to existing kiosks on North End nearby. However, the public benefits in that respect do not outweigh the harm identified.
26. I conclude that the payphone kiosk as proposed in Appeal A would have a harmful effect upon and, therefore, would fail to preserve the character, appearance and significance of the Central Croydon Conservation Area. The harmful siting of the proposal, when taken together with the resultant scale and massing of the kiosk associated with its appearance, justifies dismissal of Appeal A.

Appeal B & Appeal C

27. Appeal B and Appeal C consist of two individual proposals for payphone kiosks within the pedestrianised section of North End to the south of Poplar Walk. The kiosks would be located closest to buildings on the eastern side of the street, with Appeal B near to No 112, whilst Appeal C would be close to No 106. The kiosks would be sited relatively close to each other and also in close proximity to existing payphone kiosks to the north near to Nos. 114-120 and to the south near to No 104. The existing kiosks to the north are grouped with street furniture, including steel benches, bollards, bins, bicycle stands, advertisements, lighting columns and street signage, in an otherwise relatively open location where the spacing between buildings on each side is wider than sections of North End to the south. The existing kiosks to the south are in a less prominent position due to their grouping with street furniture and amongst a line of street trees.
28. In terms of the immediate surroundings of Appeal B, No 112 due to the set back position of the first floor of the building has the appearance of a single storey annex that projects forward from the wide frontage of Nos. 114-120 which also visually links with No 126 at the corner with Poplar Walk as those buildings are in use by a single high street retailer. The architectural style and detailing of the upper floors of Nos. 114 - 126 ensures that those buildings do make a positive contribution to the Conservation Area. However, there are no listed or locally listed buildings visible within the immediate context of Appeal B. Furthermore, No 112 and the buildings immediately opposite are of limited historic and architectural interest and, therefore, offer only a neutral contribution to the Conservation Area.

29. The proposed kiosk would introduce additional, albeit modest, development on the pavement. However, its modern and functional appearance would not look out of place relative to nearby shop fronts. The presence of the existing kiosks and a standalone advertisement column to the north would largely screen the Appeal B kiosk when approaching along North End from Poplar Walk. Furthermore, distance views to the south and the siting of other appeal proposals in that direction (including Appeals D – I) would be largely restricted by the position of existing kiosks near to the frontage of No 104 and the associated line of street trees. Whilst its siting would be in a more open and prominent location than the grouping of street furniture and street trees nearby to the south, the conspicuous presence of existing kiosks to the north in a more prominent location would ensure that the Appeal B kiosk would not be viewed as a discordant feature in the immediate setting. Furthermore, the remaining spacing between the Appeal B kiosk and the existing kiosks and street furniture to the north and south would be sufficient to prevent a perception of proliferation of payphone kiosks or harmful visual clutter.
30. Having regard to the above, the kiosk as proposed in Appeal B would not significantly alter the street scape where existing kiosks to the north are an established feature in a prominent position and largely open location on North End. The kiosk would not obscure views of the upper floors of nearby buildings nor would it influence the setting of more distant listed and locally listed buildings, given the containment of views by street trees and other street furniture. Whilst the kiosk due to its scale and massing would partially obscure the shop fronts behind it, its design and materials, including safety glass, would enable views through to the shop fronts to ensure that it remains subservient to the retail and commercial function of the setting. In reaching those findings, I have taken into account that the CAA-MP seeks to remove clutter and signage from the public realm in North End. However, as I have found no harm with respect to the siting and appearance of the kiosk relative to its immediate surroundings in the Conservation Area, the proposal subject to Appeal B would preserve its significance.
31. As I have found no harm with respect to the siting and appearance of the Appeal B kiosk relative to the character, appearance and significance of the Central Croydon Conservation Area it follows that I am satisfied that it would not have an adverse effect on wider regeneration proposals within Croydon Metropolitan Centre or locally designated views. Concerns have been raised in relation to anti-social behaviour and maintenance of kiosks given the presence of nearby uses that attract concentrations of people during the day and into evenings and the condition of other existing kiosks nearby. However, the siting of the Appeal B kiosk would not significantly affect CCTV coverage of the area and would be visible from public vantage points with nearby lighting, natural surveillance from shopfronts and regular passers-by. Consequently, it would present no greater risk of anti-social behaviour than existing street furniture within the locality. Furthermore, I have no reason to consider that its structure and materials would not be capable of being suitably maintained, as adequate space remains around the kiosk for routine upkeep and repairs.
32. Turning to Appeal C, No 106 forms part of a tall Victorian building that is locally listed and which makes a positive contribution to the special character of the

Conservation Area due to its architectural style, detailing and fenestration to upper floors. The kiosk would be a comparatively large structure, constructed of modern materials which would not look out of place when viewed against the varied shopfronts nearby or the backdrop of street furniture, including existing payphone kiosks and street trees close by to the south. However, the scale, bulk and massing of the kiosk would be more conspicuous than the existing kiosk group nearby, which although close to the frontage of locally listed buildings, has a reduced prominence due to closer proximity to other street furniture and street trees. Furthermore, the siting of Appeal C would harmfully enclose the evident space that would otherwise remain between Appeal B and the existing kiosks to the south. The resultant cumulative effect of Appeal C with Appeal B and existing kiosks would be a harmful proliferation and dominance of bulky street furniture and clutter on the section of pavements in its immediate surroundings, which would have an adverse effect upon the street scene and the setting of locally listed buildings.

33. The available width of pavement would be reduced by the siting of each of the kiosks. However, the pedestrianised section of North End between the respective buildings on the western and eastern sides of the street has considerable width. Furthermore, the siting of the respective kiosks would ensure adequate separation distance from other street furniture. The available footway space would substantially exceed the TfL adopted standards and best practice on footpath accessibility which requires an unobstructed footpath width of no less than 2m. The footway would remain sufficiently wide so that the siting of the kiosks would not impede pedestrian movement, restrict accessibility of nearby premises or adversely affect pedestrian flows. Consequently, the siting of the Appeal B and Appeal C kiosks would not have a detrimental impact upon the function of the public highway or the safety of highway users, including pedestrians. However, the absence of concern in that respect does not outweigh the harm identified in terms of Appeal C.
34. The harm arising from the Appeal C proposal would adversely affect the character and appearance of the Conservation Area when viewed in the immediate vicinity of the site. However, as the harm would be localised and from limited vantage points along the pedestrianised footway of North End it would be less than substantial to the significance of Central Croydon Conservation Area and the setting of locally listed buildings as a whole, particularly given the existing street furniture including payphone kiosks nearby. There would be public benefits arising from Appeal C in terms of improved accessibility to payphone kiosks for people with limited mobility, including wheelchair users, when compared to existing kiosks sited on North End. However, the public benefits in that respect are limited by the prospect of prior approval for the Appeal B kiosk being granted nearby. The public benefits do not outweigh the harm identified in relation to Appeal C.
35. The dismissal of a recent appeal for a replacement kiosk near to No 104² that is closest to the proposed siting of Appeal C, is not an influential factor on the outcome of the appeals as it related to consent for an illuminated advertisement integral to a kiosk and, therefore, reflects different

² Appeal ref: APP/L5240/Z/16/3158981 - Telephone kiosk outside 104 North End, Croydon CR0 1UD - Dismissed - 13 January 2017

circumstances to a prior approval for a kiosk required under the GPDO. I have, therefore, necessarily considered the appeals on their own merits.

36. I have found no harm with respect to the siting and appearance of the kiosk proposed in Appeal B. I, therefore, conclude that the proposed kiosk in Appeal B would preserve the character, appearance and significance of the Central Croydon Conservation Area and highway and pedestrian safety, which justifies the grant of prior approval for the Appeal B kiosk.
37. In contrast, I conclude that the kiosk proposed in Appeal C both individually and in cumulative with other kiosks nearby, would have a harmful effect upon and, therefore, would fail to preserve the character, appearance and significance of the Central Croydon Conservation Area. The harmful siting of the proposed kiosk on North End close to No 106, when taken together with the resultant scale and massing of the kiosk associated with its appearance, justifies dismissal of Appeal C.

Appeal D & Appeal E

38. Appeal D and Appeal E consist of proposals for two individual payphone kiosks which would be located within the pedestrianised area of North End and closest to buildings on the eastern side of the street. Appeal D would be sited near to Nos. 96-98, whilst the closest building to Appeal E would be Nos. 86-90 further south. Appeal D and Appeal E are sited between significant groupings of street furniture including lighting columns, various signage, bins, bicycle rails, timber benches, existing payphone kiosks and a line of street trees to the north and south. The street furniture and landscaping to those aspects restricts distance views along North End at street level in both directions. Consequently, although the proposed kiosks would be sited relatively close to each other and viewed in the same context on a paved area of North End, the visual containment of their siting limits the potential influence upon the wider Conservation Area.
39. The CAA-MP indicates that in terms of the immediate surroundings of Appeal D; Nos. 96-98, consists of a post war building of modest height compared to its surroundings which adjoins Chapel Walk, an access into the Whitgift shopping centre and through to Wellesley Road. The building affords only a neutral contribution to the special character of the Conservation Area. However, it is viewed as part of the streetscape of the eastern side of North End alongside a group of taller Victorian buildings. The buildings to the north are locally listed due to their architectural interest, including detailing and fenestration to upper floors, whilst buildings to the south also make a positive contribution to the special character of the Conservation Area, despite a variety of shopfronts at ground floor level.
40. The pedestrianised section of North End that adjoins Appeal D lies relatively close to the significant grouping of street furniture and street trees to the north, which is close to the frontages of Nos. 100 to 104 on the eastern side of the street. The kiosk would be a comparatively large structure, constructed of modern materials which would not look out of place when viewed against the varied shopfronts nearby or street furniture including existing payphone kiosks of different designs. Nevertheless, the scale, bulk and massing of the kiosk

would be more conspicuous than the existing kiosk groups as it would be further from other street furniture and street trees.

41. The Appeal D proposal would have inter-visibility with both the existing kiosks and the Appeal E proposal when approaching from the south. Whilst, it would be mostly screened by the existing kiosks, street furniture and street trees when approaching from the north, it would be experienced in almost immediate succession after Appeal B and two groups of existing payphone kiosks to the north and against the backdrop of Appeal E to the south. In such circumstances, the siting of Appeal D as proposed would draw attention to the presence of a significant grouping of payphone kiosks on North End. Consequently, it would create a perception of a harmful proliferation and dominance of bulky street furniture and clutter on the section of pavements in its immediate surroundings, with resultant harm to the street scene which includes nearby locally listed buildings.
42. Turning to Appeal E, the western boundary of the Conservation Area lies close to the proposed location of Appeal E, as it runs centrally through North End to exclude the modern façade of the Centrale shopping centre and its immediate section of paving that lies between Nos. 87 and 115 on the opposite side of the street. Although the Victorian buildings on the eastern side of the street, including Nos. 86-90, make a positive contribution to the special character of the Conservation Area based on the architectural style and detailing of upper floors, there are no listed or locally listed buildings in the immediate vicinity of Appeal E.
43. The proposed kiosk would introduce additional, albeit modest, development on the street. However, the siting of Appeal E would be sufficiently distant from existing and proposed kiosks to the north and further to the south, so as not to have the same adverse cumulative effect as Appeal D in terms of overall visual clutter or perception of proliferation of payphone kiosks in the vicinity. The modern and functional appearance of the kiosk would not look out of place relative to nearby shop fronts, including the modern façade of Centrale opposite. Furthermore, the Appeal E kiosk although sited in a more open setting than the more concentrated groupings of street furniture and street trees to the north and south, would not appear overly prominent when viewed against the backdrop of those features. Whilst the kiosk due to its scale and massing would partially obscure the shop fronts behind it, its design and materials, including safety glass, would enable some views through to the shop fronts to ensure that it remains subservient to the retail and commercial function of the setting.
44. Having regard to the above, the kiosk as proposed in Appeal E would not significantly alter the streetscape. It also would not harmfully obscure views of the upper floors of nearby buildings or influence the setting of more distant listed and locally listed buildings, given the absence of long views of buildings on the eastern side of North End. In reaching the above findings, I have taken into account that the CAA-MP seeks to remove clutter and signage from the public realm in North End. However, as I have found no harm with respect to the siting and appearance of the Appeal E kiosk relative to the Conservation Area, it would preserve its significance.

45. As I have found no harm with respect to the siting and appearance of Appeal E relative to the character, appearance and significance of the Central Croydon Conservation Area it follows that I am satisfied that it would not have an adverse effect on wider regeneration proposals within Croydon Metropolitan Centre or locally designated views. Similar to my reasoning with respect to Appeal B, I am also satisfied that the siting and appearance of Appeal E would not preclude appropriate maintenance, encourage anti-social behaviour or have an adverse effect on CCTV coverage.
46. The available width of pavement would be reduced by the siting of each of the kiosks. However, the pedestrianised section of North End between the respective buildings on the western and eastern sides of the street has considerable width. Furthermore, the siting of the respective kiosks would ensure adequate separation distance from other street furniture. The available footway space would substantially exceed the TfL adopted standards and best practice on footpath accessibility, which require an unobstructed footpath width of no less than 2m. The footway would, therefore, remain sufficiently wide so that the siting of the kiosks would not impede pedestrian movement, restrict accessibility of nearby premises or adversely affect pedestrian flows. Consequently, the siting of the Appeal D and Appeal E kiosks would not have a detrimental impact upon the function of the public highway or the safety of highway users, including pedestrians. However, the absence of concern in that respect does not outweigh the harm identified in terms of Appeal D.
47. The harm arising from the Appeal D proposal would adversely affect the character and appearance of the Conservation Area when viewed in the immediate vicinity of the site. However, as the harm would be localised and from limited vantage points along the pedestrianised footway of North End it would be less than substantial to the significance of Central Croydon Conservation Area and the setting of locally listed buildings as a whole, particularly as other existing street furniture is present nearby. There are public benefits arising from the proposal in terms of improved accessibility to payphone kiosks for people with limited mobility, including wheelchair users, when compared to existing kiosks opposite on North End and elsewhere nearby. However, the public benefits in that respect are limited by the prospect of alternative prior approvals being granted for the Appeal B and Appeal E kiosks in relatively close proximity on North End. The public benefits do not outweigh the harm identified.
48. I conclude that the kiosk proposed in Appeal D both individually and in cumulative with other kiosks nearby, would have a harmful effect upon and, therefore, fail to preserve the character, appearance and significance of the Central Croydon Conservation Area. The harmful siting of the proposed kiosk on North End close to Nos. 96-98, when taken together with the resultant scale and massing of the kiosk associated with its appearance, justifies dismissal of Appeal D.
49. In contrast, I have found no harm with respect to the siting and appearance of the kiosk proposed in Appeal E. I, therefore, conclude that the proposed kiosk in Appeal E would preserve the character, appearance and significance of the Central Croydon Conservation Area and highway and pedestrian safety, which justifies the grant of prior approval for the Appeal E kiosk.

Appeal F & Appeal G

50. Appeal F and Appeal G consist of proposals for two individual payphone kiosks which would be located within the pedestrianised area of North End. The closest building to Appeal F would be No 73 on the western side of the street, whilst the closest building to Appeal G would be Nos. 38-40 on the eastern side of the street. The separation distance between the proposed siting of the kiosks is significant. Nevertheless, the proposed kiosks would be viewed together, along with other existing payphone kiosks, when approaching along North End from the south.
51. The CAA-MP indicates that in terms of the immediate surroundings of Appeal F; No 73, a three storey building with a vacant shopfront and a largely glazed façade to upper floors, affords only a neutral contribution to the special character of the Central Croydon Conservation Area. However, there are locally listed buildings adjacent and opposite with architectural interest including detailing and fenestration to upper floors, which together with other buildings nearby make a positive contribution.
52. The boundary of the Conservation Area lies close to the proposed location of Appeal G, as further to the south it runs centrally through North End to exclude the modern façade of the Centrale shopping centre and its immediate section of paving that is between Nos. 1 and 49 on the opposite side of the street. However, Nos. 38-40 are within a four storey corner building that is locally listed with a distinctive red façade, dual gables and vertically proportioned windows located at an entrance point to the Whitgift Centre. When taken together with groups of locally listed buildings to the opposite side of North End and to south, it makes a positive contribution to the special character of the Conservation Area.
53. The pedestrianised section of North End surrounding the location of Appeal F and to the north of Appeal G has a significant grouping of street furniture including lighting columns, signage, bins, benches and existing payphone kiosks which are supplemented by lines of street trees located close to the frontages of Nos. 75-87 on the western side of the street and Nos. 42-54 on the eastern side of the street. The kiosks would be comparatively large structures, but constructed of modern materials which would not look out of place when viewed against neighbouring shopfronts or street furniture close to the siting of Appeal F and to the north of Appeal G. However, the scale, bulk and massing of the proposed kiosks would be more conspicuous than the three groups of existing kiosks nearby that have a reduced prominence due to their closer proximity to other street furniture and street trees.
54. Having regard to the above, when approaching from the south along North End, the kiosks identified as Appeal F and Appeal G whilst not appearing out of place, would draw attention to the presence of a significant number of payphone kiosks in the vicinity. From those vantage points, the cumulative effect of either Appeal F or Appeal G individually, when viewed relative to existing kiosks or when taken together, would establish a proliferation and dominance of bulky street furniture with a resultant perception of visual clutter on the section of pavements in the immediate surroundings. The visual effect would harm the street scene by disrupting the established sequencing and tight

grouping of street furniture such as kiosks, benches and bins that are close together and amongst street trees.

55. In reaching the above findings, I have taken into account that existing kiosks, street trees and other street furniture would largely screen the kiosks when approaching from the north until in very close proximity to the sites proposed in Appeal F and Appeal G. The effect on long views to the south would be limited in that context. Furthermore, the presence of the long Centrale building frontage on the western side of the street and the separation distance to locally listed buildings to the south of the entrance to the Whitgift Centre on the eastern side would ensure that no significant harm would be caused to the visibility of upper floor facades of locally listed buildings. The kiosks would be distanced and screened from the other appeal proposals on North End, including Appeal E which would be closest to Appeal F to the north and Appeal H which would be closest to Appeal G to the south. Consequently, aside from the cumulative effect of Appeal F and Appeal G when taken together, the kiosks would be visually distinct from other appeal proposals within the Conservation Area. However, the absence of concern in those respects does not outweigh the harm to the street scene identified and the adverse effect upon views to the north along North End.
56. The dismissal of a recent appeal for a replacement kiosk close to Nos. 48-50³ is not an influential factor on the outcome of the appeals as it related to consent for an illuminated advertisement integral to a kiosk rather than a prior approval required under the GPDO and in a different location to Appeals F and G. I have, therefore, necessarily considered the appeals on their own merits.
57. The available width of pavement would be reduced by the siting of each of the kiosks. However, the pedestrianised section of North End between the respective buildings on the western and eastern sides of the street has considerable width. Furthermore, the siting of the respective kiosks would ensure adequate separation distance from other street furniture. The remaining footway space would substantially exceed the TfL adopted standards and best practice on footpath accessibility which requires an unobstructed footpath width of no less than 2m. The footway would, therefore, remain sufficiently wide so that the siting of the kiosks would not impede pedestrian movement, restrict the accessibility of nearby premises or adversely affect pedestrian flows. Consequently, the siting of the kiosks identified as Appeal F and Appeal G would not have a detrimental impact upon the function of the public highway or the safety of highway users, including pedestrians. However, the absence of concern in that respect is a neutral factor.
58. The harm arising from the Appeal F and Appeal G proposals would have an adverse effect upon the character and appearance of the Conservation Area when viewed in the immediate vicinity. However, as the harm would be localised and from limited vantage points along the pedestrianised footway of North End it would be less than substantial to the significance of Central Croydon Conservation Area and the setting of locally listed buildings as a whole, particularly as there is other existing street furniture nearby. There are

³ Appeal Ref: APP/L5240/Z/16/3158986 - Telephone kiosk outside 48-50 North End, Croydon CR0 1UG – Dismissed - 13 January 2017

public benefits arising from the proposal in terms of improved accessibility to payphone kiosks for people with limited mobility, including wheelchair users, when compared to existing kiosks on North End and elsewhere nearby. However, the public benefits in that respect do not outweigh the harm identified.

59. I conclude that the developments proposed in Appeal F and Appeal G both individually and in cumulative with other kiosks nearby, would have a harmful effect upon and, therefore, would fail to preserve the character, appearance and significance of the Central Croydon Conservation Area. The harmful siting of the proposed kiosks on North End close to No 73 and Nos. 38-40, when taken together with the resultant scale and massing of the kiosk associated with their appearance, justifies dismissal of both Appeal F and Appeal G.

Appeal H & Appeal I

60. Appeal H and Appeal I consist of proposals for two individual payphone kiosks which would be located within the pedestrianised area of North End close to the shop frontage of Nos. 2-28 and would be viewed together if either of the appeals were to be allowed. The Conservation Area boundary lies immediately to the west of the proposed locations of Appeal H and Appeal I, as it runs centrally through this part of North End to exclude the modern façade of the Centrale shopping centre and its immediate section of paving that is between Nos. 1 and 49 on the opposite side of the street.
61. Nos. 2-28 consist of a tall building with an expansive façade and coherent architectural detailing located towards the southern part of North End on the eastern side of the street adjacent to the Grade I listed, The Whitgift Almshouses. The building currently forms part of Croydon Village Outlet and the kiosk identified as Appeal H would be located slightly to the north of a main access into an arcade that leads through to George Street to the south and the Whitgift Centre to the north. The kiosk identified as Appeal I would be located further south closer to the Grade I listed building which adjoins the junction with George Street, Crown Hill and High Street. The CAA-MP indicates that No 2-28 makes a positive contribution to the Central Croydon Conservation Area. When taken together with a group of adjoining locally listed buildings to the north and the Grade I listed building to the south, the section of North End where Appeal H and Appeal I would be located makes a significant contribution to the special character of the Conservation Area.
62. The pedestrianised section of North End surrounding the site has a significant grouping of street furniture including lighting columns, various signage, bins, bicycle rails, benches and existing payphone kiosks which are supplemented by a line of street trees located close to the frontage of buildings opposite on the western side of the street. However, the majority of those features lie outside of the Conservation Area. In contrast, the importance of the façade of No 2-28 and views towards the Grade I listed building is emphasised by the limited permanent street furniture and street trees in the immediate vicinity when compared to the opposite side of North End. Street trees and street furniture further to the north and close to the frontage of Nos. 30-34 screen views to that aspect. However, when approaching from the north there are some long

views available looking south along the frontage of No 2-28 as land levels rise towards the Grade I listed building, High Street and the Town Hall clock tower.

63. The kiosks would be comparatively large structures with modern materials which would not look out of place when viewed against neighbouring shopfronts or the proliferation of street furniture on the opposite side of North End. However, the prominent siting of the proposals on the eastern side of the pedestrian pathway would result in the kiosks appearing overly conspicuous and discordant features in a location where the pavement is largely uncluttered when looking from both the north and south along North End. In the immediate context, the siting of the kiosks would also appear incongruous in a relatively open location by disrupting the established sequencing and grouping of street furniture on this section of North End and further to the north, which includes existing payphone kiosks. The scale, bulk and massing of each kiosk would also harmfully obstruct some views at street level of the Grade I listed building close by.
64. As mentioned, there are existing payphone kiosks on the opposite side of the street at the front of the Centrale building and to the north at the front of No 32. However, the siting of those kiosks is visually distinct due to their reduced prominence arising from assimilation with an established grouping of street furniture and street trees. The existing kiosks opposite are also set against the backdrop of more modern buildings that lie outside of the Conservation Area and make no contribution to its special character. In addition, the existing kiosks further to the north have little influence upon long views at street level of the North End streetscape. Consequently, the existing kiosks do not replicate the circumstances of the proposal or the harm that would result.
65. I have also taken into account that the kiosks would be distanced and screened from the other appeal proposals further north on North End, including Appeal G which would be closest to Appeal H. Furthermore, should the appeals be allowed they would be sufficiently distant from Appeal J on High Street that each would assimilate with intervening street furniture and the backdrops of buildings and street trees so as to prevent any cumulative effect. In addition, there would be no inter-visibility with Appeal K on George Street due to intervening buildings. Consequently, aside from the cumulative effect of Appeal H and Appeal I when taken together, the kiosks would be visually distinct from other appeal proposals within the Conservation Area. However, the absence of concern in that respect does not outweigh the harm identified.
66. The available width of pavement would be reduced by the siting of each of the kiosks. However, the considerable width of the pedestrianised section of North End between No 2-28 and the Centrale building opposite, would ensure that the available footway space would substantially exceed the TfL adopted standards and best practice on footpath accessibility, which require an unobstructed footpath width of no less than 2m. The footway would remain sufficiently wide, despite the presence of other street furniture opposite, so that the siting of the kiosks would not impede pedestrian movement, restrict accessibility of nearby commercial premises or adversely affect pedestrian flows. Consequently, the siting of the kiosks identified as Appeal H and Appeal I would not have a detrimental impact upon the function of the public

highway and the safety of highway users, including pedestrians. However, the absence of concern in that respect is a neutral factor.

67. The harm arising from the siting and appearance of the Appeal H and Appeal I kiosks would adversely affect the character and appearance of the Conservation Area when viewed in the immediate vicinity of the site which includes the setting of a listed building. However, as the harm would be localised and from limited vantage points along the pedestrianised footway of North End it would be less than substantial to the significance of Central Croydon Conservation Area and the setting of the Grade I listed building as a whole, particularly as other street furniture is currently located in closer proximity. There are public benefits arising from the proposal in terms of improved accessibility to payphone kiosks for people with limited mobility, including wheelchair users, when compared to existing kiosks opposite on North End and elsewhere nearby. However, the public benefits in that respect do not outweigh the harm identified.
68. I conclude that the kiosks proposed in Appeal H and Appeal I both individually and in cumulative, would have a harmful effect upon and, therefore, fail to preserve the character, appearance and significance of the Central Croydon Conservation Area. The harmful siting of the proposed kiosks on North End close to No 2-28 and forming part of the setting of a Grade I listed building, when taken together with the resultant scale and massing of the kiosk associated with their appearance, justifies dismissal of both Appeal H and Appeal I.

Appeal J

69. The payphone kiosk subject to Appeal J would be located on the pedestrian footway adjoining the western side of High Street closest to No 14, which is currently in use as a cinema. The adjoining section of High Street provides a one way vehicular route from George Street and Park Street towards the southern boundary of the Conservation Area.
70. The CAA-MP indicates that Nos. 14-18 High Street consist of the former Grants Department Store which is a Grade II listed building with a decorated four storey façade and attics above. When taken together with the adjoining terrace to the south of locally listed buildings, the group of buildings and their architectural detailing on the western side of High Street make a significant contribution to the special character of the Conservation Area. Although I observed that there is some variety of shopfront signage at ground floor level, it is largely set back from the main façade of the listed building. The importance of the façade of the building is emphasised by more limited street furniture and street trees in the immediate vicinity of the site than on the opposite side of High Street and further to the south. As a result, at street level there are also some long vistas available of the facades of buildings to the north that lead towards North End, with The Whitgift Almshouses, a Grade I listed building, also visible at the corner of North End with George Street.
71. The kiosk would be sited towards the front of the pavement and would be a comparatively large structure, constructed of modern materials. In such a position it would appear visually detached from the shop frontage signage and

would be viewed as a prominent, bulky and incongruous addition to the western footway of High Street where it remains relatively open and uncluttered in the immediate vicinity. In that context, the prominent siting and appearance of the kiosk would draw attention away from the listed buildings and locally listed buildings nearby, which would harm their setting. The kiosk would also harmfully obstruct some views along High Street towards North End when in close proximity to the site.

72. In reaching the above findings, I have taken into account that the kiosk would be distant from the other appeal proposals with no inter-visibility with Appeal K on George Street due to intervening buildings. Furthermore, the closest appeal proposals on North End on the pavement near to Nos 2-28 (Appeal H and Appeal I) would be sufficiently distant to prevent a perception of visual clutter. Consequently, the appeal proposal would not have a harmful effect when taken in cumulative with other appeal proposals. However, the absence of concern in that respect does not outweigh the harm identified.
73. There are existing payphone kiosks on the opposite side of the road at the front of Nos. 19-21 High Street. However, the siting of those kiosks is visually distinct from the proposal due to their reduced prominence arising from their close proximity to a street tree. The existing kiosks are also set against the backdrop of more modern buildings that make little contribution to the special character of the Conservation Area and therefore, the existing siting of those kiosks does not replicate the circumstances of the proposal or the harm that would result. The dismissal of a recent appeal for a replacement kiosk in that location⁴, whilst emphasising the importance of the setting of the Grade II listed building to the Conservation Area is not a determinative factor on the outcome of this appeal as it related to consent for an illuminated advertisement integral to a kiosk rather than prior approval required under the GPDO. I have, therefore, necessarily considered this appeal on its own merits.
74. The available width of pavement would be reduced by the siting of the proposal, but there would still be footway space between the front elevation of Nos 14 and the kiosk that would substantially exceed the TfL adopted standards and best practice on footpath accessibility which requires an unobstructed footpath width of no less than 2m. The footway would remain sufficiently wide that the siting of the kiosk would not impede pedestrian movement, restrict accessibility of nearby premises, adversely affect pedestrian flows or require pedestrians having to use the carriageway as an alternative. Consequently, the siting of the kiosk in this location would not have a detrimental impact upon the function of the public highway and the safety of highway users, including pedestrians. However, the absence of concern in that respect is a neutral factor.
75. The harm arising from the proposal would have an adverse effect upon the character and appearance of the Conservation Area when viewed in the immediate vicinity of the site, including the setting of listed buildings. However, as the harm would be localised and from limited vantage points along the pedestrian footway on the western side of High Street it would be less than

⁴ Appeal Ref: APP/L5240/Z/16/3158989 - Telephone kiosk outside 19-21 High Street, Croydon CR0 1QB – Dismissed - 13 January 2017

substantial to the significance of Central Croydon Conservation Area and the setting of listed and locally listed buildings as a whole. There would be public benefits arising from the proposal in terms of improved accessibility to payphone kiosks for people with limited mobility, including wheelchair users, when compared to existing kiosks opposite on High Street and elsewhere nearby. However, the public benefits do not outweigh the harm identified.

76. I conclude that the kiosk subject to Appeal J would have a harmful effect upon and, therefore, would fail to preserve the character, appearance and significance of the Central Croydon Conservation Area. The harmful siting of the proposal on High Street and relative to the setting of a Grade II listed building, when taken together with the resultant scale and massing of the kiosk associated with its appearance, justifies dismissal of Appeal J.

Appeal K

77. The payphone kiosk subject to Appeal K would be located on the pedestrian footway adjoining the southern side of George Street closest to No 18, which is currently in use as a restaurant with solicitors above. The adjoining section of George Street provides a one way shared vehicular / tramway route towards Crown Hill to the west, including the junction with the pedestrianised section of North End and a one way street leading south along High Street. The predominant street furniture on the southern side of George Street is limited to traditional lamp stands at regular intervals and some steel bollards in the immediate vicinity which are painted black. In contrast, there are more significant groupings of street furniture opposite associated with a tram stop, including ticket booths, cabinets, bins, railings and signage that are predominantly grey or silver.
78. The CAA-MP indicates that No 18, together with buildings to either side and some opposite are locally listed buildings which positively contribute to the special character of the Conservation Area. I observed that although there is a variety of shop front signage at ground floor level, the upper floors of the predominantly three storey buildings are of historic interest both individually and as a group given the architectural styles and complementary detailing. The site of Appeal K also forms part of the setting of The Whitgift Almshouses, a Grade I listed building which is visually prominent on the opposite side of George Street at the junction with North End.
79. The kiosk would be sited toward the front of the pavement and would be a comparatively large structure, constructed of modern materials which would not look out of place when viewed against neighbouring shopfronts or the proliferation of street furniture on the opposite side of George Street. However, the prominent siting of the kiosk close to the road edge, together with its considerable bulk and massing when compared with the traditional lampstands and bollards nearby, would result in an overly conspicuous and discordant feature on the southern side of George Street where the pavement is largely uncluttered. The scale, bulk and massing of the kiosk would also harmfully obstruct some views at street level of the Grade I listed building nearby to the west and the streetscape of locally listed buildings along George Street when looking east towards the NLA Tower.

80. In reaching the above findings, I have taken into account that the kiosk would be distant from the other appeal proposals with no inter-visibility with Appeals A – I proposed on North End or Appeal J proposed on High Street due to intervening buildings. Consequently, the appeal proposal would not have a cumulative effect with other appeal proposals. However, the absence of concern in that respect does not outweigh the harm identified.
81. The available width of pavement would be reduced by the siting of the proposal, but there would still be a footway space between the front elevation of No 18 and the kiosk which would exceed the TfL adopted standards and best practice on footpath accessibility which requires an unobstructed footpath width of no less than 2m. In that regard, the footway would remain sufficiently wide that the siting of the kiosk would not impede pedestrian movement, restrict accessibility of nearby premises, adversely affect pedestrian flows or require pedestrians having to use the road / tramway as an alternative. Consequently, the siting of the kiosk in this location would not have a detrimental impact upon the function of the public highway and the safety of highway users, including pedestrians. However, the absence of concern in that respect is a neutral factor.
82. The harm arising from the proposal would have an adverse effect upon the character and appearance of the Conservation Area when viewed in the immediate vicinity of the site, which includes the setting of listed and locally listed buildings. However, the harm would be localised and from limited vantage points along the pedestrian footway on the southern side of George Street. Consequently, it would be less than substantial to the significance of Central Croydon Conservation Area and the setting of listed and locally listed buildings as a whole, particularly given the extent of street furniture opposite on George Street. There would be public benefits arising from the proposal in terms of improved accessibility to payphone kiosks for people with limited mobility, including wheelchair users, when compared to the nearest alternative payphone kiosks on High Street and North End respectively. However, the public benefits in that respect do not outweigh the harm identified.
83. I conclude that the kiosk subject to Appeal K would have a harmful effect upon and, therefore, would fail to preserve the character, appearance and significance of the Central Croydon Conservation Area. The harmful siting of the proposal on High Street and relative to the setting of a Grade I listed building and locally listed buildings, when taken together with the resultant scale and massing of the kiosk associated with its appearance, justifies dismissal of Appeal K.

Other Matters

84. A number of other prior approval applications in Croydon Metropolitan Centre have been drawn to my attention including where prior approval has been approved and others where prior approval was not approved in locations outside of the Central Croydon Conservation Area. However, given the difference in locational circumstances, those decisions have not influenced my reasoning and I necessarily determine Appeals A - K on their own merits.

Conditions

85. The grant of prior approval for the kiosks identified as Appeal B and Appeal E should be subject to only the standard conditions set out in Schedule 2, Part 16, Class A of the GPDO. Those conditions include implementation within five years from the date prior approval is given and the removal of the structure/apparatus when it is no longer required for electronic telecommunications purposes.

Conclusion

86. I am satisfied that the siting and appearance of each appeal proposal would not result in harm to highway or pedestrian safety. However, such matters do not override my conclusions with respect to the siting and appearance of the Appeal A, C, D, F, G, H, I, J and K payphone kiosks in terms of the harmful effect upon and, therefore, failure to preserve the character, appearance and significance of the Central Croydon Conservation Area which I have identified based upon their individual merits. However, I found no harm in that respect in terms of the siting and appearance of the Appeal B and Appeal E proposals.
87. Therefore, for the reasons given above and having regard to all matters raised, I conclude that Appeal B and Appeal E should be allowed and prior approval granted, whereas Appeals A, C, D, F, G, H, I, J and K should fail.

Gareth Wildgoose

INSPECTOR