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## Appeal Decisions

Site visit made on 10 October 2017

**by Philip Lewis BA (Hons) MA MRTPI**

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

**Decision date: 03 November 2017**

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### **Appeal A Ref: APP/T5150/W/17/3180006**

#### **Outside Lords Collection, 20 Craven Park Road, London NW10 8SE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Part 16, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
  - The appeal is made by Mr Nathan Still, Infocus Public Networks Ltd against the decision of the Council of the London Borough of Brent.
  - The application Ref 17/1848, dated 26 April 2017, was refused by notice dated 22 June 2017.
  - The development proposed was originally described as the installation of an electronic communications apparatus.
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### **Appeal B Ref: APP/T5150/W/17/3180011**

#### **27 Craven Park Road, London NW10 8SE**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant prior approval required under Part 16, Class A of Schedule 2 to the Town and Country Planning (General Permitted Development) Order 2015 (as amended).
  - The appeal is made by Mr Nathan Still, Infocus Public Networks Ltd against the decision of the Council of the London Borough of Brent.
  - The application Ref 17/1852, dated 26 April 2017, was refused by notice dated 22 June 2017.
  - The development proposed was originally described as installation of an electronic communications apparatus.
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## **Decision**

1. Appeals A and B are dismissed.

## **Procedural matters**

2. The applications refer to Part 24 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995. The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO 2015) came into force on 15 April 2015 and consequently, I have considered the proposals under Class A of Part 16 of Schedule 2 of the GPDO 2015.
3. I have dealt with the two appeals separately within this single decision document as they are for similar proposals by the same appellant, sited in relatively close proximity to each other, on opposite sides of the same road.

## **Main Issues**

4. As an electronic communications code operator, the appellant benefits from deemed planning permission for the proposed freestanding payphone kiosks under Part 16 of Schedule 2 to the GPDO 2015. The principle of development is not therefore a consideration in these appeals. The GPDO 2015 sets out that the issues to be considered in respect of prior approval for telecommunications equipment are siting and appearance.
5. Prior approval was refused by the Council in both cases as it considered the proposed freestanding payphone kiosks would be detrimental to pedestrian and highway safety. Additionally, the Council in its appeal statements, refers to a recent planning permission for a freestanding payphone kiosk outside of 19 Craven Park Road and considers that due to the potential close proximity of a number of telephone kiosks on this part of the street, the appeal schemes would harm the appearance of the street scene. The appellant had the opportunity to respond to the Council's statements at the final comments stage.
6. Accordingly, I consider the main issues for each appeal to be:
  - the effects on highway safety; and
  - the effects upon the character and appearance of the area.

## **Reasons**

### *Highway safety*

7. The proposed payphone kiosks would have powder coated black steel frames, with glazed panels to three sides. At my site visit I saw that a similar kiosk has been installed nearby. Craven Park Road near the appeal sites is a one way street, along which vehicles travel in a north-westerly direction. I observed that the street is laid out with areas of relatively wide pavements and with some parking bays.
8. The appeal sites sit opposite each other on Craven Park Road, at a point where the wide pavements narrow the road to a single carriageway. Immediately to the northwest of each appeal site is an informal pedestrian crossing with dropped kerbs and tactile pavements. Each payphone kiosk would be situated about 0.6 metres from the respective kerb edges. Whilst the proposed kiosks would be predominantly glazed, they would, due to their steel frames and close proximity to the kerb nevertheless significantly hamper visibility from the informal crossing towards on-coming traffic from either side of the road. Users of the crossing on both sides of the road would not therefore be able to see clearly approaching traffic to the detriment of pedestrian and highway safety.
9. I have had regard to the appellant's comments that the kiosks have been located in accordance with Transport for London's adopted standards and best practice on footpath accessibility, that unobstructed footpath width of no less than 2 metres would be retained and that retail premises would not be hindered. However, I nevertheless find that the appeal proposals would each give rise to significant harm in respect of highway safety and are both contrary to Policy DMP1 of the London Borough of Brent Local Plan Development Management Policies (Local Plan) which includes amongst other things that development will be acceptable provided it is satisfactory in terms of means of

access for all, parking, manoeuvring, servicing and does not have an adverse impact on the movement network.

### *Character and appearance*

10. The proposed payphone kiosks are of a simple design which allows access for people using wheelchairs and mobility scooters. Whilst there are a number of payphones and other street furniture on Craven Park Road, I do not consider that the appeal schemes, either on their own or in combination would unduly affect the appearance or fluidity of the street scene on either side of the road. Therefore, each appeal scheme would not have an unacceptable effect on the character and appearance of the area. In respect of appearance, the appeal proposals do not conflict in with criterion a) of Local Plan Policy DMP 1. My findings in respect of this issue do not however outweigh those in respect of highway safety.

### **Other matters**

11. I have had regard to the policies on telecommunications development set out in the National Planning Policy Framework as cited by the appellant which supports the development of telecommunication infrastructure. I have also had regard to the fact that the appeal sites are not within a Conservation Area. However, these matters do not outweigh the harm that I have found in respect of highway safety in each case.

### **Conclusions**

12. For the reasons given above and having considered all matters raised, I conclude that both Appeal A and Appeal B should be dismissed.

*Philip Lewis*

INSPECTOR