
Appeal Decision

Site visit made on 9 October 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 7th November 2017

Appeal Ref: APP/N4720/W/17/3179069

O/S Skyline Apartments, St Peters Street, Leeds LS9 8BN

- 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 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended).
 - The appeal is made by Mr Nathan Still on behalf of Infocus Public Networks Ltd against the decision of Leeds City Council.
 - The application Ref 17/01871/DTM, dated 22 March 2017, was refused by notice dated 12 May 2017.
 - The development proposed is the installation of a freestanding payphone on the pavement.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of the development as set out in the appeal form as this is a more accurate description than that on the application form.

Preliminary Matter

3. The proposal is for a payphone that was refused prior approval under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended). The principle of this type of development is already established by the Order and it is only the effects of siting and appearance which are to be considered in this appeal.

Main Issue

4. The main issue is the effect of the proposal on highway safety.

Reasons

5. The appeal site is located approximately 1.25m from the edge of the kerb with St Peters Street. Railings line the edge of the road along this stretch of the Street preventing pedestrians from stepping into the road.
6. The Council's concern is that there is a scheme in place to introduce a cycle city connect route, which includes St Peters Street. The Council confirms that the scheme involves the repositioning of the pavement and the carriageway boundary to accommodate the cycle lane.

7. Notwithstanding the lack of evidence before me regarding the exact position of the cycle lane, I have no reason to doubt the Council's assertion that the proposal would be positioned on land that is to be turned into a cycle lane. Consequently, the payphone would clearly introduce a significant obstruction to cyclists using the lane and therefore have an unacceptable detrimental impact on highway safety.
8. I note that adequate pavement width would be retained to ensure that there would be no obstruction to pedestrians. However, this does not address the harm I have identified regarding the effect on the cycle lane.
9. I find therefore that the proposal would have a significantly harmful effect on highway safety. As such, it would conflict with saved Policy G5 of the Leeds Unitary Development Plan Review 2006, which, amongst other matters, seeks to avoid problems of environmental intrusion, loss of amenity, pollution, danger to health or life, and highway congestion, to maximise highway safety. It would also conflict with Policy T2 of the Leeds Core Strategy 2014, which seeks to ensure that there is adequate provision for access from the highway network, by public transport and for cyclists, pedestrian and people with impaired mobility, which will not create or materially add to problems of safety, environment or efficiency of the highway network.

Other Matters

10. I have had regard to the concerns raised by the Leeds Civic Trust regarding need, vandalism and the motives of the applicant. However, the Order sets out that the only matters for consideration are siting and appearance. Accordingly, these matters have not had any bearing on my assessment of the appeal.

Conclusion

11. For the above reasons, having regard to all other matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR