



Appeal Decision

Site visit made on 14 November 2017

by Rachel Walmsley BSc MSc MA MRTPI

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

Decision date: 17th November 2017.

Appeal Ref: APP/U5360/W/17/3180907

Pavement outside 275 Old Street, London EC1V 9LN

- 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 (as amended).
 - The appeal is made by Mr Tom Fisher against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2017/1743, dated 22 March 2017, was refused by notice dated 21 June 2017.
 - The development proposed is a call box.
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Decision

1. The appeal is dismissed.

Procedural matter

2. As an electronic communications code operator, the appellant benefits from deemed planning permission for a proposed telephone kiosk under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (hereafter referred to as the GPDO) subject to prior approval by the local planning authority of siting and appearance. The Council determined that prior approval was required and refused for the siting and appearance of the electronic communications apparatus proposed, taking into account representations received. My determination of this appeal has been made in the same manner.

Main Issues

3. These are the effect of the proposal on a) pedestrian safety and b) the character and appearance of the area, including whether it would preserve or enhance the character and appearance of the South Shoreditch Conservation Area.

Reasons

Pedestrian safety

4. The appeal site occupies part of the pavement along Old Street. Parties disagree on the existing pavement width. Based on the evidence before me and my observations on site, I consider that the call box could be

accommodated on the pavement leaving the required width of two metres¹ for pedestrians. Notwithstanding this, the call box would project into the pedestrian desire line that runs along the pavement. From my observations on site and the evidence before me, it is evident that the pavement is well used and there is nothing before me that contests this view. The call box would, therefore, obstruct pedestrian flows, creating an uncomfortable walking experience which, given the high footfall identified, would have a material effect on pedestrian safety. The appeal proposal would therefore be harmful to pedestrian safety.

Character and appearance

5. The area of pavement on which the development is proposed is within a high street, characterised by a variety of commercial premises and a busy highway. There is a variety of street furniture, including lampposts and litter bins which is evident in views in both directions along Old Street.
6. The call box would be freestanding and given its form and scale, would be the largest piece of street furniture in the area. Whilst encompassing transparent panels, the box's rectilinear frame would be notable in the street scene, appearing as a large, unattractive and unsympathetic addition to the street which would detract from its character and appearance. Furthermore, the call box would contribute to the physical and visual clutter in this location.
7. I recognise that the area obtains some of its commercial character from street furniture, signage and commercial premises. A call box *per se*, therefore, would not be an anomaly within this environment, but for reasons of siting and scale, the development would be incongruous and harmful to the character and appearance of the area.
8. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. The National Planning Policy Framework (the Framework) states that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation and that significance can be harmed or lost through development.
9. The appeal site is outside of but within close proximity of the South Shoreditch Conservation Area (SSCA). When on site and looking from the appeal site towards the SSCA, there is evidence of historic buildings which contribute to the character and significance of the conservation area. However, there are few of these buildings within proximity of the appeal site. Together with the small size of the appeal site in relation to the conservation area overall, and the site being outside the conservation area, I find that it makes a limited contribution to the character and appearance of the conservation area as a whole.
10. The dominant presence of the call box would draw the eye away from views of the historic buildings within the conservation area. However, given the limited contribution the appeal site makes to the character and appearance of the conservation area, this effect would leave the character and appearance of the SSCA unharmed. I find, therefore, that, in accordance with the clear

¹ As set out in Department for Transport, Inclusive Mobility (2005) and Manual for Streets (2007); and Transport for London Streetscape Guidance (2016)

expectations of the Planning (Listed Building and Conservation Areas) Act 1990 and paragraph 132 of the Framework which requires that great weight should be given to the conservation of designated heritage assets, the proposal would preserve the character and appearance of the conservation area.

11. In conclusion, I have found that the siting and appearance of the call box would not be harmful to the character and appearance of the conservation area but would be harmful to the character and appearance of the area generally.

Other matters

12. The appellant draws my attention to a number of appeal decisions for similar forms of development and that were allowed. Having considered these appeals and in the absence of any specific or substantive evidence to indicate otherwise, I find no similarities with the development proposed to influence my reasoning; this appeal has been decided on its own merits.
13. I recognise the benefit of a call box to pedestrians within the location chosen, as well as the benefits of its design, not least to meet disability regulations and avert problems of anti-social behaviour. However, these benefits do not overcome the harm found as a result of the call box's siting and appearance and in relation to character and appearance and pedestrian safety.

Conclusion

14. I have found that the appeal proposal would not be harmful to the character and appearance of the conservation area. Nonetheless, this does not outweigh my findings in relation to pedestrian safety and the character and appearance of the area. Thus, for the reasons given above and having regard to all matters raised, the appeal is dismissed.

R Walmsley

INSPECTOR