
Appeal Decision

Site visit made on 18 October 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 4th December 2017

Appeal Ref: APP/A5270/W/17/3180569

New Broadway (in front of Ealing Council), Ealing W5 2HL

- 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 Infocus Public Networks Limited against the decision of the Council of the London Borough of Ealing.
 - The application Ref 172239PNT, dated 3 May 2017, was refused by notice dated 28 June 2017.
 - The development proposed is installation of electronic communications apparatus.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The *Town and Country Planning (General Permitted Development) Order 2015 (as amended)* (GPDO) grants planning permission for certain classes of development, including a range of electronic communications apparatus, which is conditional on a prior approval procedure having been followed. Section A.3.(4) of Class A, Part 16 of Schedule 2 of the GPDO confirms that the matters to be considered in relation to an application for prior approval, such as that subject of this appeal, are limited to siting and appearance.

Main Issue

3. I consider that the main issue in this case is whether or not approval should be given in respect of the siting and appearance of the development, with particular reference to the character and appearance of the locality.

Reasons

4. The Ealing Council offices building (ECOB) occupies a corner site at the junction of New Broadway with Longfield Avenue. The southern elevation of the ECOB, which is an imposing multi-storey building, contains a centrally positioned ground floor entrance with a flight of steps leading up from the footway along the northern side of New Broadway. To the west of the entrance steps, the otherwise broad footway is narrowed by a bus stop shelter. To the east of the steps, the frontage is generally characterised by a landscaped area at the southeastern corner of the ECOB site and a broad footway which is punctuated by a number of street trees. Street furniture there, which includes a street light and small number of signs, is limited. I consider that the broad, open
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footway and landscaping to the east of the entrance provides an attractive setting for the ECOB, which is an important public building.

5. The proposal involves the installation of a telephone kiosk¹, which would comprise an open fronted, 3-sided asymmetric structure, enabling access for people with limited mobility. It would have a floor area of around 1.325 metres by 1.118 metres, an overall height of some 2.6 metres and it would have roof mounted photovoltaic modules, which would generate solar power to illuminate the interior of the kiosk. Whilst the sides and rear of the kiosk would include transparent panels, they would be held in a steel frame and the back wall would incorporate additional framing to support communications equipment.
6. The proposed kiosk would be located on the section of footway to the east of the ECOB entrance, in a prominent position close to the roadside. It would diminish the broad open appearance of the footway and, in relation to a number of vantage points, would interrupt views of the landscaping at the front of the ECOB. The proposal would detract from the setting of this important public building.
7. I conclude that, due to its siting and appearance, the proposed kiosk would unacceptably harm the character and appearance of the locality. In my judgement, my conclusion on this issue provides a compelling reason why approval of the siting and appearance of the development should not be granted in this case.

Other matters

8. The appellant has indicated that the appeal site location has been chosen in accordance with minimum standards set out in Transport for London's adopted standards and best practice for footpath accessibility. However, I am unable to verify that unsupported assertion, as I have not been provided with a copy of the documentation referred to and so I give it little weight.
9. I acknowledge that the gap between the kiosk and the southern boundary of the ECOB site would be sufficient to ensure that the proposal would be unlikely to adversely affect the free flow of pedestrian traffic along the footway. Nonetheless, in light of my conclusion on the main issue, I consider on balance that the proposal would not comprise the high quality communications infrastructure supported by the *National Planning Policy Framework*, which has been referred to by the appellant. The Council has not cited any Development Plan Policies in support of its decision to refuse approval and the appellant has not drawn my attention to any particular Policies.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

I Jenkins

INSPECTOR

¹ Only the installation of the kiosk is under consideration and not advertisement consent.