
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/17/3180568

Bond Street Opp No. 41 (Pho Saigon Restaurant), Ealing, W5 5AS

- 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 172232PNT, dated 3 May 2017, was refused by notice dated 27 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 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. The proposed kiosk would be located on a section of footway along the western side of Bond Street, within the Ealing Green Conservation Area. Section 72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* requires, in exercise of planning functions, that

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

special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.

5. The northern section of Bond Street, between its junction with New Broadway to the north and Ealing Green to the south, is characterised by a row of tall buildings on each side that front onto the adjacent footway and a number of them contain commercial premises at ground floor level. The Council's Ealing Green Conservation Area Appraisal (EGCAA) indicates that many of these buildings are Locally Listed Buildings. Hotel Xanadu is situated at the southern end of the row on the western side of the street. A planter has been positioned on the footway close to the southeastern corner of the hotel and another on the footway on opposite side of the road. They contribute positively to the street scene in a number of respects. As well as helping to soften the visual impact of the adjacent built development, the planters appear to signal a transition between the built up section of Bond Street to the north and Ealing Green to the south, the neighbouring section of which is predominantly characterised by treed green space.
6. The proposed kiosk would be positioned close to the road side and a short distance to the south of the western planter. As a result of its close proximity and bulkier profile, the proposed kiosk would obscure the planter from view from a number of vantage points, greatly diminishing its contribution to the street scene. The kiosk and planter would also appear unduly cramped. Furthermore, when approaching from the north along Bond Street, the proposal would partially interrupt views of the green space beyond, diminishing its contribution to the street scene, albeit to a limited extent.
7. Pitzhanger Manor, which is a Grade I Listed Building, is situated to the southwest of Hotel Xanadu within Ealing Green. In my judgement, the proposal would be unlikely to have an impact on the setting of that building, due to the distance between the 2 and the treed nature of the intervening space.
8. Nonetheless, I conclude that although, given its limited scale, the adverse effect of the proposal on the character, appearance and significance of the Conservation Area would small, 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

9. 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.
10. In light of my conclusion on the main issue, I consider 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

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

I Jenkins

INSPECTOR