
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/17/3180579
73 Old Oak Common Lane, Acton, W3 7DD

- 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 172229PNT, 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 convenience of highway users.

Reasons

4. Nos. 51-79 comprise a row of terraced properties, which fronts onto the western side of Old Oak Common Lane and contains commercial units at ground floor level. The frontage of the terrace is separated from the carriageway of Old Oak Common Lane by an area of paving, which is bounded by a low wall topped by railings along its eastern edge.
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

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

mounted photovoltaic modules, which would generate solar power to illuminate the interior of the kiosk.

6. 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.
7. The proposed kiosk would be located in front of No. 73 towards the eastern side of the paved area. I acknowledge that the width of the paved area between the western side of the proposed kiosk and the frontage of the terrace would significantly exceed 2 metres. However, based on what I saw, I consider that the paved area can be described as being divided into 3 discrete use zones, 1-3. Zone 1 runs alongside the frontage of the terrace and, as well as providing access to the commercial units, is used in part for the display of goods under shopfront canopies. Zone 3 runs along the eastern side of the paved area and contains a variety of street furniture, including: telephone kiosks; benches; street lighting; cycle security rails; a free standing advertisement; and, a post box as well as street trees. The western edge of this zone is defined by the western edge of the cut-outs in the paving for the street trees. Zone 2, between zones 1 and 3, appears to be used as the main pedestrian thoroughfare for those travelling north/south along this side of Old Oak Common Lane. The footprint of the proposed kiosk would extend from zone 3 part way across zone 2, partially interrupting the main through route for pedestrians, to the detriment of the convenience of highway users. I conclude that, due to its siting and appearance, the proposed kiosk would unacceptably harm the convenience of highway users. In my judgement, my conclusion on this issue provides a compelling reason why approval of siting and appearance of the development should not be granted in this case.

Other matters

8. I do not share the view of the appellant that the proposal would respect the character of the locality. It would add to the significant amount of street furniture in front of Nos. 51-79, which already includes a number of phone kiosks of differing styles. It would result in this section of Old Oak Common Lane having an unduly cluttered appearance and I conclude that it would harm the character and appearance of the locality.
9. In light of my conclusion on the main issue, in my judgement, 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