
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/17/3180567
O/S Morrisons, High Street, Acton, W3 9LA

- 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 172242PNT, 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 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 northern side of High Street, which is within the Acton Town Centre Conservation Area. Section 72(1) of the *Planning (Listed Buildings and*

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

Conservation Areas) Act 1990 requires, in exercise of planning functions, that *special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area*. The proposed actions identified by the *Acton Town Centre Conservation Area Management Plan, 2009*, include a reduction in street clutter and ensuring street furniture is more coordinated.

5. In contrast with the southern side of the street, where a two-storey terrace fronts onto the back edge of the footway, the section of the northern footway, where the proposal would be located, has a more open appearance. The back edge of that footway, which marks the boundary of the Conservation Area, is enclosed by a low wall with a supermarket carpark beyond. A street light and a small street tree, which are located on this section of footway close to the roadside, have little impact on openness, due to their narrow profiles. Although an existing kiosk is also located close by, it is positioned adjacent to the walled back edge of the footway, thereby limiting its visual impact. The relatively open appearance of the footway contributes positively to the character and appearance of the locality and to the setting of the attractively detailed front elevation of the neighbouring social centre, which fronts onto a section of the footway to the southeast of the appeal site, and thereby the character and appearance of the Conservation Area itself.
6. The proposed kiosk would be positioned close to the road side, between the identified tree and lighting column. As a result of its bulkier profile, it would detract from the open appearance of the footway thereabouts. Furthermore, due to the relative positions of the 2 kiosks, which would be different in appearance and set apart by only a short distance on opposite sides of the footway, the proposal would give the footway a cluttered appearance hereabouts. 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.

Other matters

7. 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.
8. 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

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

I Jenkins

INSPECTOR