
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/17/3180582

In front of Golds Gym, No. 54-62 Uxbridge Road, Hanwell, W7 3SU

- 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 172243PNT, dated 3 May 2017, was refused by notice dated 28 June 2017.
 - The development proposed is installation of electronic communications apparatus.
-

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 safety and convenience of highway users.

Reasons

4. The proposal involves the installation of a telephone kiosk¹ on a short section of footway between vehicular entrance and exit points to Golds Gym, on the southern side of Uxbridge Road. The proposed kiosk 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.

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

5. 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.
6. 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. The framing would restrict views through the structure. Due to its design and the proposed position of the kiosk, close to the front edge of the footway, it would be likely to restrict intervisibility between drivers emerging from the Golds Gym site and others approaching along the nearside lane of Uxbridge Road, from the east, thereby increasing the likelihood of conflicting vehicle movements.
7. In this particular location there are no properties adjacent to the back edge of the pavement, which might otherwise cause people to gather to look at window displays or give rise to conflicting pedestrian movements between people emerging from premises and passers-by. Under these circumstances, I consider that the gap between the proposed kiosk and the back edge of the footway, which would exceed 2 metres, would be likely to be sufficient to ensure the free flow of pedestrian traffic along the footway.
8. Nonetheless, I conclude overall that, due to its siting and appearance, the proposed kiosk would unacceptably harm the safety and convenience of highway users, with particular reference to driver sightlines. 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. I do not share the view of the appellant that the proposal would respect the character of the locality. Due to its width, height and close proximity to an adjacent street sign, the proposal would be likely to screen some of the lettering of that sign from view when approaching from the west along Uxbridge Road. As a result, the sign and kiosk would appear cramped and awkward, and the associated section of footway unduly cluttered. I conclude that the proposal would detract from the character of the locality.
10. 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

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

I Jenkins

INSPECTOR