



Appeal Decision

Site visit made on 17 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/17/3180572
27 The Broadway, Ealing, W5 2NP

- 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 172240PNT, 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. No. 27 forms part of a terraced row of properties, which contain commercial units at ground floor level and are situated within the Ealing Town Centre Conservation Area.
 5. Section 72(1) of the *Planning (Listed Buildings and 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 Council's *Ealing Town Centre Conservation Area Character Appraisal* identifies that the public realm of the Conservation Area could be greatly improved and it indicates that an unattractive pedestrian environment results from, amongst other things, excessive numbers of phone
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boxes, of different types. The proposed actions identified by the *Ealing Town Centre Conservation Area Management Plan* include a reduction in street clutter and ensuring street furniture is more coordinated.

6. 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.
7. The proposed kiosk would be situated on the footway, to the south of No. 27 and close to the roadside. 3 kiosks, which differ in design from the appeal proposal, have already been installed on the same footway, a short distance to the southwest in front of Nos. 21/23. Under these circumstances, the proposal would result in the footway hereabouts having an unduly cluttered and untidy appearance, which would detract from the character and appearance of both the locality and the associated Conservation Area.
8. 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 be 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 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

11. 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.