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## Appeal Decision

Site visit made on 19 December 2017

**by Claire Searson MSc PGDip BSc (Hons) MRTPI IHBC**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 10<sup>th</sup> January 2018**

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**Appeal Ref: APP/H5960/W/17/3179463**

**Pavement adjacent to 53 Nine Elms Lane, London, SW8 5BB**

- 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 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
  - The appeal is made by Mr Tom Fisher (Euro Payphone Limited) against the decision of London Borough of Wandsworth Council.
  - The application Ref 2017/1236, dated 1 March 2017, was refused by notice dated 18 April 2017.
  - The development proposed is prior approval for the siting and appearance of a public call box on the pavement.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have taken the description of the development from the submitted appeal form, as this is more precise than the description given in the original application form.

### Background and Main Issues

3. The appeal follows the refusal of prior approval by the Council for a proposal covered by the terms of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Within certain limits the GPDO grants permission for the development of telecommunications equipment subject to a prior approval procedure. The GPDO makes it clear that the relevant issues to consider when assessing applications of this type are the siting and appearance of the proposal.
4. Therefore, the main issues are the effect of the siting and appearance of the proposed call box upon (a) the character and appearance of the street scene and (b) the pedestrian environment and highway safety.

### Reasons

#### *Character and Appearance*

5. The proposed call box would be sited on the pavement to the northern side of Nine Elms Lane. The site is within the Vauxhall Nine Elms Battersea Opportunity Area which is a large regeneration area whereby there is a great number of projects currently taking place, including an extension of the

Northern Line, the regeneration of Battersea Power Station and the delivery of new homes and economic development. The St James Riverlight development forms a recent part of the regeneration of this area and comprises of a number of tall apartment blocks located between Nine Elms Lane and the south bank of the River Thames. This is located directly adjacent to the appeal site.

6. As part of the St James Riverlight development, a programme of public realm works has also been undertaken, comprising of trees, benches, cycle racks, street lighting set in block paving and areas of soft landscaping. This has created a visually cohesive, and an open and attractive streetscape to the north side of Nine Elms Lane. To the south side of Nine Elms Lane is a redevelopment site which is currently open and surrounded by hoardings.
7. The proposed call box would be around 2.45m in height, 1.3 m wide and 1.11m in depth. It has a functional design and would be open on two sides with large glazed panels set within a black steel frame. It would have a flat roof with a large overhang and it would be level with the street, affording wheelchair access.
8. In light of the ongoing regeneration of the area and the recent public realm works, I consider that the call box would undermine the coherence and regularity of the street scene. Specifically, it would create a tall and bulky feature in a highly prominent location, and would create clutter which would detract from the open and unified appearance of the street in this location.
9. While I note the requirements of paragraph 60 of the National Planning Policy Framework (the Framework), paragraph 58 is clear that developments will function well and add to the overall quality of the area, and establish a strong sense of place, using streetscapes and buildings to create attractive and comfortable places to live, work and visit. Planning decisions are also required to address the connections between people and places and the integration of new development into the built environment (paragraph 61). In my view the proposed kiosk would fail to achieve these requirements and would constitute an incongruous addition to the carefully conceived and executed redevelopment of this area, and would cause harm to the character and appearance of its surroundings.
10. My attention has been drawn to cited benefits of the design, in respect of its openness and transparent appearance which would limit occurrences of anti-social behaviour traditionally associated with the enclosed design of older kiosks. However, this is evidence of a potential lack of harm in this specific regard, rather than a positive aspect of the scheme. I also note that a solar panel would be included at roof level, however such an environmental benefit in the design would not outweigh the overall harm to the character and appearance of the area which I have identified.
11. On this matter I therefore conclude that the siting and appearance of the proposed call box would cause harm to the character and appearance of the street scene. The development would thus conflict with Policy IS 3 of the Wandsworth Core Strategy (CS) 2016 which requires good quality design and townscape. The proposal would also conflict with policies within the Wandsworth Local Plan Development Management Policies Document (DMPD) 2016, in particular Policy DMS1 which seeks to secure sustainable urban design, and Policy DMS9 which requires that proposals for telecommunications developments would not contribute to an accumulation of street clutter.

### *Pedestrian Environment and Highway Safety*

12. Nine Elms Lane is a busy main road and, associated with the regeneration of the area, the highway and footpaths are subject to future works and changes, including the provision of a signalised junction at Cringle Street, to the east of the appeal site.
13. However, at my site visit I saw that the works to the footpath around the appeal site appeared to have largely been completed. Near to the site are trees, lampposts, seats and bike stands. These are all set back from the pavement.
14. The proposed call box would be sited near to the kerb edge and would be separate to the new street furniture. However, in respect of pedestrian flows, due to the spacious nature of the footway, and the established zone of street furniture and trees in the environs of the appeal site, I consider that pedestrian flows would not be inhibited to any significant degree by the proposed call box. As a result, I consider that the siting of the proposed call box would cause no undue harm or inconvenience to pedestrians or other footway users.
15. I note that no details of the orientation of the call box have been provided, however this could reasonably be dealt with by condition to ensure that visibility and sight lines and pedestrian flow along Nine Elms Lane would not be impeded.
16. In this regard, I conclude on this matter that the proposed call box would not conflict with CS Policy PL3 and DMPD Policy DMS9 which set amenity protection, design and transport and movement aims.

### **Other Matters**

17. The Grade II\* Listed Battersea Power Station is located approximately 400m to the west of the appeal site. Given the distance of the appeal site from this asset, as well as intervening developments, I am satisfied that there would be no harm to the special interest of this building, as derived from its setting.

### **Conclusion**

18. Whilst the siting of the proposed call box would avoid significant harm to the pedestrian environment, its incongruous siting in contrast with the more coherent street furniture of its immediate surroundings would cause considerable harm to the character and appearance of the street scene. In the overall planning balance, the harm caused in this latter respect would outweigh the lack of harm caused to the pedestrian environment.
19. In light of my findings above, relating to the siting and appearance of the proposed kiosk, I conclude that the proposal would not comply with the limitations and restrictions specified as being applicable to the proposed development. Accordingly, I therefore conclude that it could not benefit from deemed permission under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
20. For the reasons given above, and having considered all other matters raised, the appeal should therefore be dismissed.

*C Searson* INSPECTOR