

Appeal Decision

Site visit made on 11 December 2017

by Graham Wyatt BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2018

Appeal Ref: APP/U5360/W/17/3180901

Pavement outside Shoreditch Telephone Exchange, London E1 6HU

- 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.
 - The appeal is made by Euro Payphone Ltd against the decision of the Council of the London Borough of Hackney.
 - The application Ref 2017/1735, dated 22 March 2017, was refused by notice dated 21 June 2017.
 - The development proposed is a call box.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (the GPDO) for installation of a telephone kiosk by an electronic communications code operator, at pavement outside Shoreditch Telephone Exchange, London E1 6HU in accordance with the terms of the application Ref 2017/1735, dated 22 March 2017, subject to the standard conditions set out in the GPDO.

Preliminary Matters

2. The description on the application form states that the proposed development is a 'call box'. For clarity the development proposed is a free standing telephone kiosk. The Council determined the application on that basis and so shall I.
3. As an electronic communications Code Operator the appellant benefits from deemed planning permission granted by Part 16 of the 2015 GPDO for the proposed telephone kiosk, but subject to applying to the Council for prior approval of its siting and appearance. Such an application was made, but the Council deemed that prior approval would be needed and it refused to approve the proposed siting on the basis of the information submitted.

Main issues

4. The main issue is the effect of the siting and appearance of the development on the character and appearance of the area.

Reasons

5. The area is a busy part of London with a wide variety of retail, restaurants and commercial uses in the area. Shoreditch High Street is a busy thoroughfare with a bus stop immediately south of the site. A layby that allows multiple

buses to park at the same time serves the shelter and extends to the appeal site. Other items of street furniture are in the immediate vicinity which includes a public refuse bin which would be some 6m south of the siting of the kiosk. Otherwise the appeal site is free of street furniture.

6. In considering the Council's concerns in relation to the effect of the proposal on the character and appearance of the area, in particular the siting of the proposed kiosk in relation to a proliferation of street clutter, I have taken into account the city centre context of the appeal site at this particular point along Shoreditch High Street and the size of the proposed kiosk. Although other items of street furniture exist in the immediate vicinity, the closest item would be a refuse bin, some 6m away. Moreover, the proposed kiosk would not occupy a very large part of the pavement. Consequently, I am not persuaded that the development would result in a proliferation of street clutter and therefore find the proposal acceptable in this location.
7. I have also considered the Council's representations in relation to the effect of the proposal on the setting of buildings that are identified as having a "townscape merit", such as The Telephone Exchange and that the site is adjacent to the South Shoreditch Conservation Area. However, again the proposal needs to be considered within its city centre context which provides the setting for the buildings and Conservation Area which typically contains a bus shelter with advertising and stop sign, litter bins, lampposts, signal control and telecoms cabinets. Given the significant and imposing scale of the buildings along this part of the High Street, these items of street furniture do not detract from their setting or significance.
8. Moreover, due to the modest size of the kiosk when compared to the overall scale of the buildings along the High Street, it would not materially affect their setting. Further, the siting of the proposal away from The Telephone Exchange would not result in visual clutter or materially harm the street scene. Furthermore, the appearance of the proposed kiosk is similar to the design and appearance of bus shelters in the area and as such would not appear incongruous in the street scene or amount to harm to the setting of The Telephone Exchange or the Conservation Area.

Other Matters

9. Transport for London (TfL) have suggested that the proposed kiosk would impede pedestrian flows, particularly during peak times and at weekends and that it would hinder passengers boarding or alighting buses. However, the appellant has demonstrated that a footway clear zone of 2.73m will be maintained following the erection of the kiosk. This would exceed the minimum 2m footway clear zone advocated in the Transport for London Streetscape Guidance (2016).
10. TfL have also raised an issue regarding the future narrowing of the pavement to facilitate a dedicated bus lane which would require the removal of the kiosk. However, I note that this is an aspiration for TfL that has yet to come forward. Moreover, it would not preclude the removal of the kiosk, and other items of street furniture should the narrowing of the footpath come forward at a later date.

11. Paragraph 46 of the National Planning Policy Framework tells us that the need for the telecommunications system should not be questioned by the local planning authority.

Conclusion

12. For the above reasons the proposed development would not harm the character and appearance of the area. Having regard to all other matters raised, I conclude that the appeal should be allowed, subject to the conditions under Schedule 2, Part 16, Class A.2 (2) and A.3 (9) and (11) which specify that the development should be carried out in accordance with the details submitted within the application and must begin within 5 years of the date of this decision. It must also be removed and the land restored to its former condition once it is no longer required.

Graham Wyatt

INSPECTOR