
Appeal Decision

Site visit made on 21 March 2018

by L Fleming BSc (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 April 2018

Appeal Ref: APP/H59600/W/17/3181318

Pavement outside 204 Lavender Hill, London SW11 1JG

- 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 Ltd) against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2017/2567, dated 22 March 2017, was refused by notice dated 23 June 2017.
 - The development proposed is a call box.
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Decision

1. The appeal is dismissed.

Background and Main Issues

2. The appeal concerns proposed telecommunications development that was refused prior approval by the Council under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended) (GPDO). Within certain limits the GPDO grants permission for the development of telecommunications equipment subject to a prior approval procedure. The GPDO makes clear that the relevant issues to consider when assessing the installation of the proposed call box are matters relating to the siting and appearance of the proposed development.
3. Thus the main issue is the effect of the siting and appearance of the proposed call box on the character and appearance of the area bearing mind it would be within the settings of the Clapham Junction Conservation Area and the grade II listed Battersea District Reference Library.

Reasons

4. The proposed call box would be positioned on a wide area of pavement in front of steps leading to a large car park and supermarket on the north side of Lavender Hill within Clapham Junction Town Centre. To the west and east are tall buildings sitting adjacent to the back edge of much narrower footways. Thus the area in the immediate vicinity of the appeal site has a relatively open and spacious character and appearance which provides visual relief to the wider area which has a compact urban character and appearance.
5. The grade II listed Battersea District reference Library is located on the opposite side of Lavender Hill with its significance deriving from its traditional

architectural detailing and its historical use. The Clapham Junction Conservation Area (CA) is some distance to the west with its significance deriving from its mix of uses and the architectural quality of the buildings within it.

6. I acknowledge that the proposed call box would be of a simple modern appearance, finished in grey matching street furniture nearby and would be open sided with glazed panels. I also note it would be positioned leaving space between other street furniture on a relatively wide section of the pavement which includes lamp posts, signage, an information point and a bus shelter.
7. However, the proposed structure would be a relatively bulky addition to the wide open area of pavement having the effect of cluttering the street scene and eroding the spacious quality of an open area which provides visual relief to the wider urban area.
8. The CA and the grade II listed Battersea District reference Library are some distance away with a variety of intervening features including street furniture, such that the proposal would not be significantly experienced or viewed within their settings, thus their settings and significance would be preserved.
9. However, through its siting and appearance in an uncharacteristically open area it would erode the overall character and appearance of the immediate area exacerbating the areas compact feel, thus harming the overall character and appearance of the area. On balance the economic benefit of providing communications infrastructure does not outweigh this harm.
10. For these reasons, whilst not determinative the proposal would also be in conflict with the good design and conservation aims of the development plan, specifically, Policies PL3, PL13 and IS3 of the Wandsworth Local Plan Core Strategy (2016) and Policies DMS1, DMS9 and DMT1 of the Wandsworth Local Plan Development Management Policies Document (2016).

Other Matters

11. I acknowledge the proposal is the result of a stringent site selection process. I note the call box would not obstruct the footway, would not harm pedestrian comfort and would not harm highway safety overall. I also acknowledge it would be well maintained, would be easily accessible for wheelchair users, is designed to minimise anti-social behaviour and would be environmentally sustainable. I have also considered the numerous appeal decisions¹ relating to payphones.
12. However, the full details of the other schemes are not before me and none relate directly to the immediate locality which is relevant to this case. I have therefore determined the appeal on its planning merits and none of these examples or any other matters raised outweigh or alter my conclusions on the main issue.

¹ Appeal References APP/X5990/A/11/2166164, APP/X5210/A/12/2178982, APP/E5900/C/12/2182746, APP/X5990/A/11/2165665, APP/K5030/A/12/2185860, APP/U3935/A/13/2204403, APP/U3935/A/13/2204411, APP/U3935/A/13/2204414, APP/U3935/A/13/2204416, APP/U3935/A/13/2204422, APP/U3935/A/13/2204424, APP/U3935/A/13/2204430, APP/U3935/A/13/2204431, APP/U3935/A/13/2204434, APP/U3935/A/13/2204447, APP/U3935/A/13/2204456, APP/U3935/A/13/2204462, APP/U3935/A/13/2204463, APP/U3935/A/13/2204468, APP/H5960/W/17/3176243, APP/H5960/W/17/3176269, APP/H5960/W/17/3176272, APP/H5960/W/17/3176273, APP/H5960/W/17/3176275, APP/H5960/W/17/3176276, APP/H5960/W/17/3176279 & APP/H5960/W/17/3176281

Conclusion

13. For the reasons outlined above, the siting and appearance of the proposed development would harm the character and appearance of the area. Thus having had regard to all other matters raised I conclude that the appeal should be dismissed.

L Fleming

INSPECTOR