
Appeal Decision

Site visit made on 22 May 2018

by Rachel Walmsley BSc MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2018

Appeal Ref: APP/H5960/W/17/3181315

Pavement outside 4 Garratt Lane, London SW18 4TF

- 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 (as amended).
 - The appeal is made by Mr Tom Fisher, Euro Payphone Ltd against the decision of the Council of the London Borough of Wandsworth.
 - The application 2017/2565 dated 22 March 2017, was refused by notice dated 20 June 2017.
 - The development proposed is a call box.
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Decision

1. The appeal is dismissed.

Procedural matters

2. As an electronic communications code operator, the appellant benefits from deemed planning permission for a proposed telephone call box under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (hereafter referred to as the GPDO) subject to prior approval by the local planning authority of siting and appearance. The Council determined that prior approval was required and refused for the siting and appearance of the electronic communications apparatus proposed, taking into account representations received. My determination of this appeal has been made in the same manner.
3. The construction of a telephone call box and the display of advertisements are distinct and separate matters requiring separate applications. The current appeal refers to the construction of a call box only and it is on this basis that I have determined the appeal.
4. Within the Council's evidence reference is made to the development plan. The principle of development is established by the GPDO and a prior approval relating to paragraph A.3 of Schedule 2, Part 16, Class A of the GPDO includes no requirement to have regard to the development plan. On this basis, therefore, the appeal is not determined on the basis of Section 38(6) of the Planning and Compulsory Purchase Act 2004. The development plan policies may be relevant insofar as they relate to the planning judgment to be made and can be taken into account as a form of evidence. It is on this basis that I have considered the policies before me and determined the appeal accordingly.

Main Issues

5. These are whether or not approval should be given in respect of the siting and appearance of the development, with particular reference to i) the character and appearance of the locality and ii) and the convenience of highway users.

Reasons

Character and appearance

6. The appeal site relates to an area of pavement 600mm in from the kerbside edge, on Garratt Lane. The area of pavement on which the call box is proposed is wide, open in character and has a pleasant spacious feel, not least because of an absence of street furniture and a set-back of building frontages which is due, in part, to the recent development of the Southside Shopping Centre nearby. That is not to say that street furniture is exempt from the area. A lamppost, traffic lights, highway signage and outdoor café seating are present. Nonetheless these are some distance from the appeal site, more closely associated with the junction of Garratt Lane and Wandsworth High Street than the area of pavement which encompasses the appeal site.
7. The call box proposed would be freestanding. Although glazed it would not be entirely transparent and therefore the glazing, together with the call box's frame and accoutrements within the box, such as the telephone, would have a presence within the street. Given the prominent position of the call box towards the kerb and in an open area, together with its form and scale, it would appear overly dominant and therefore visually intrusive within the street scene.
8. Amongst other things, Policy DMS1 of the Local Plan¹ and policy IS3 of the Core Strategy² seek development that is sympathetically designed and contributes positively to local character. More specifically policy DMS1 seeks development that furnishes public spaces to reflect the character and appearance of the area and minimise street clutter, obstruction and visual intrusion. Whilst policy DMS1 does not relate directly to telecommunications equipment, it relates to development within the public realm which is of direct relevance to the call box proposed and on this basis I give attention to the policy in my considerations.
9. Although the call box would be simple in design and would not be out-of-keeping with the commercial character of the area, it would, for the reasons given, detract from the area's open character. Furthermore, whilst not creating a harmful proliferation of street furniture, it would introduce an item of street furniture, thereby undermining the policy objectives to minimise street clutter.
10. I have read the appeal decisions highlighted by the appellant which found that the siting and appearance of the call boxes proposed was acceptable. I have read nothing within these appeal decisions which suggests a strong likeness with the appeal site for them to set a favourable precedent. I have, therefore, necessarily considered the appeal proposal on its own merits.

¹ Wandsworth Local Development Framework, Development Management Policies Document (Adopted February 2012)

² Wandsworth Local Plan, Core Strategy (Adopted March 2016)

11. In all, therefore, for the reasons given, the siting and appearance of the proposal would have an adverse effect on the character and appearance of the locality.

Convenience of highway users

12. The appeal site is within an area of Garratt Lane that experiences high levels of pedestrian footfall. The call box, located within proximity of the kerb, would leave a generous area of pavement for pedestrians to walk in both directions and simultaneously. On this basis I do not find that the call box would limit the capacity of the pavement to an unacceptable degree, such that the proposal could be considered harmful to the convenience of pedestrians.
13. The call box would be a sufficient distance from the kerb for its use to not interfere with the flow of moving vehicles adjoining the highway, nor restrict the sight lines of motorists.
14. I therefore conclude that the call box would not be harmful to the convenience of highway users.

Other matter

15. The principle of the development is supported by part 5 of the National Planning Policy Framework (the Framework) which encourages the development of telecommunication infrastructure to support sustainable economic growth. Furthermore, the call box would be fully accessible to those with impaired mobility and would help reduce problems of anti-social behaviour that can be associated with phone boxes. Nonetheless, the Framework also seeks telecommunications equipment that is sympathetically designed and appropriate to its context. Although not interfering with heritage assets, for the reasons given, the call box would be harmful to the character and appearance of the area and therefore would not achieve the aims set out in the Framework.

Conclusion

16. I have found that the appeal proposal would not be harmful to the convenience of highway users. Nonetheless this does not outweigh my findings in relation to the character and appearance of the locality. Thus, for the reasons given and having regard to all matters raised, refusal of prior approval is justified and therefore the appeal is dismissed.

R Walmsley

INSPECTOR