
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: 1 June 2018

Appeal Ref: APP/H5960/W/17/3181313

Pavement outside 25 Putney High Street, 25 Putney High Street, London SW15 1RB

- 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 2017/2563, 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 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 Putney High Street. This section of the high street is a busy thoroughfare, not least because of the proximity of a bus stop and an entrance to a cinema as well as the site being on a pedestrian desire line which all contribute to high levels of pedestrian footfall.
7. The area surrounding the appeal site is commercial in character and, as is typical of a high street, is busy visually with street furniture including a litter bin, bus shelter, tables and chairs and lampposts occupying the public realm close to the appeal site. In addition, the cinema nearby has a canopy over its entrance which projects into views up and down the high street.
8. Whilst the call box proposed would be glazed it would not be entirely transparent and therefore the glazing, together with the call box's frame and accoutrements within the box, for example the telephone, would have a presence within the street. Although within a line of existing street furniture, the form and scale of the call box would exceed that of the bin and lamppost nearby and therefore together with its presence described would constitute a notable addition to the high street. Given the existing prevalence of street furniture and the canopy to the cinema within local views, the call box would add unacceptably to the street scene, creating visual clutter and a harmful proliferation of street furniture which would be harmful to the visual appearance of the high street.
9. Policies DMS1 and DMS9 of the Local Plan¹, policy IS3 of the Core Strategy² and the Framework seek development that is sympathetically designed and contributes positively to local character. More specifically policy DMS1, amongst other things, 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.
10. Although the call box would be simple in design and would not be out-of-keeping with the commercial character of the high street, it would create a harmful proliferation of street furniture, thereby undermining the policy objectives to minimise street clutter.
11. 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

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

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

with the appeal site for them to set a precedent in favour of the appeal. I have, therefore, necessarily considered the appeal proposal on its own merits.

12. In all, 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

13. The call box would accord with the standards for footpath accessibility and therefore would leave sufficient space for two people to pass simultaneously. Nevertheless, this in itself does not ensure the safe convenience of highway users. It was apparent from my observations on site that the area of high street concerned experienced high levels of pedestrian footfall. With the call box in situ, the area of pavement available to pedestrians would be severally restricted. Consequently pedestrians would be forced to navigate awkwardly areas of the pavement occupied by street furniture or forced to step out into the road. The call box, therefore, would restrict unacceptably the space available for pedestrians to walk, harming the convenience of highway users.
14. The call box, located on the pavement and away from the kerb would not restrict the sight lines of motorists. Nonetheless, policy DMS1 of the Local Plan seeks development that furnishes the public realm in a way that minimises obstruction generally. In light of the harm to pedestrians, the call box would not meet this objective and therefore would 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 be harmful to the character and appearance of the locality and would inconvenience highway users. 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

