

Appeal Decision

Site visit made on 3 September 2018

by Sue Glover BA (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th September 2018

Appeal Ref: APP/G1250/W/18/3202167

Outside Debenhams, The Square, Bournemouth, BH2 5LY

- 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.
 - The appeal is made by Infocus Public Networks Ltd against the decision of Bournemouth Borough Council.
 - The application Ref 7-2017-18550-LM dated 5 December 2017, was refused by notice dated 25 January 2018.
 - The development proposed is the installation of an electronic communications apparatus.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether or not approval should be given in respect of the siting and appearance of the proposal having regard to the effect on the character and appearance of the area and on highway safety.

Reasons

3. The proposed apparatus, a telephone call box would be sited in a busy shopping area outside a department store and restaurant. The pedestrianised area leads into The Square where outdoor events are held. It is also a cycle route, part of the National Cycle Network.
 4. Notwithstanding the open side and glass panels, the call box with a footprint of about 1.32m by 1.11m, and a height of about 2.56m would not be insubstantial in size and it would appear as a significant item of street furniture. Although a simple design with toughened glass panels and steel frame, there is potential for dirt and dust accumulation resulting in an opaque rather than a transparent glazed appearance.
 5. The proposal would be prominently positioned at the end of a row of 3 trees. It would be within an area which narrows significantly, between the external seating area of the restaurant, and well-used cycle racks. I am told that the restaurant seating area is unlawful, but that a smaller area may be permitted. Nevertheless, the addition of a call box has significant potential to obstruct and to create a hazard with potential conflict between cyclists and pedestrians within a narrow pinch point. Those with a mobility or visual disability would also be significantly disadvantaged in such circumstances. In these respects, I
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find material harm to highway safety from the siting and appearance of the proposal.

6. The proposal would add a dominating item, in a conspicuous location, creating an appearance of excessive street clutter. It would appear as an obtrusive and bulky addition next to the 3 trees that create a focal point in this part of the street. For these reasons, I find material harm to the character and appearance of the area from the siting and appearance of the proposal.
7. There would be conflict with development plan policies, insofar as those policies are a material consideration to this appeal for prior approval. I have also taken into account current policies in the National Planning Policy Framework, and other national planning and highway guidance, in so far as they are relevant to matters of siting and appearance.

Other Matters

8. As the principle of development is established by the General Permitted Development Order (GPDO), the need for the call box is not a relevant matter. The appeal relates to a call box only and not any advertisement consent that may otherwise be required.
9. The siting of the call box has potential to hamper the positioning and working of a high reach appliance administered by the Fire Service, therefore harming public safety. This matter adds weight to my findings in respect of character and appearance and highway safety.
10. I have no reason to consider that the call box would encourage anti-social behaviour as the design is not fully enclosed. It would have a graffiti proof external finish intended to discourage vandalism, and there is nearby street lighting and natural surveillance of the site. There would be benefits of a fully accessible design to aid those with impaired mobility who rely on a wheelchair or scooter, and PV roof modules to generate solar power to illuminate the interior.
11. I have taken into consideration other appeal decisions by another Inspector for similar proposals in the locality, but I have judged this proposal on its own merits in respect of its own individual siting and appearance.

Conclusion

12. I have taken into account all the other matters, but the cumulative benefits of the proposal would not outweigh the significant harm that I have identified to the character and appearance of the area and to highway and public safety. The appeal therefore does not succeed.

Sue Glover

INSPECTOR