
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/18/3202186

Outside 65 Commercial Road, Bournemouth, BH2 5RH

- 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-LS 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.

Reasons

3. The proposed apparatus, a telephone call box would be sited on the footway in a busy town centre shopping area next to cafes and shops. It would be close to the external seating areas of 2 cafes, bollards, a litter bin and a freestanding shop sign. The pedestrian space at this point narrows forming a pinch point between The Triangle, a large pedestrianised public space for events and the adjacent public library, and the wide pedestrianised part of Commercial Road to the east.
 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 rather than a more transparent glazed appearance.
 5. Within this confined space of the footway, and in addition to other street furniture, the proposal would appear as a large, bulky and dominating addition, creating an appearance of excessive street clutter. For these reasons, I find material harm to the character and appearance of the area from the siting and appearance of the proposal.
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6. 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

7. 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 to any advertisement consent that may otherwise be required.
8. Although there would remain more than 2m of clear footway, pedestrians are funnelled into a much narrower section of footway from the public events space of The Triangle leading towards the wide pedestrianised area in Commercial Road. I am mindful that large numbers of people may be present at public events. The siting of the call box has the potential to further impede the safe flow of pedestrians within this pinch point. This public safety matter adds weight to my findings about character and appearance.
9. The proposal would lie beyond the West Cliff and Poole Conservation Area. Taking into account the separation from the conservation area, and the presence of other street furniture, I find that no material harm would arise from the call box on the setting of the conservation area.
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 public safety. The appeal therefore does not succeed.

Sue Glover

INSPECTOR