

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/18/3202165

**Outside The Works, 4, The Avenue Centre, Commercial Road,
Bournemouth, BH2 5RP**

- 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-LL dated 5 December 2017, was refused by notice dated 24 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 the safe movement of pedestrians.

Reasons

3. The proposed apparatus, a telephone call box would be sited in a wide pedestrianised street in a busy town centre shopping area near the entrance to a shopping mall and about 2.6m from the entrance to The Works. There is already street furniture in the vicinity, including bollards, lighting columns, a security camera pole, litter bins, and freestanding signs outside retail units. A little further up the street there are other phone boxes and an ATM. I am told that there are also poster display units that have been removed for refurbishment. Overall, this part of the street has a cluttered appearance with a considerable amount of street furniture already in place.
 4. Notwithstanding the open sides 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.
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5. As an additional item of some bulk and height and in combination with other street furniture, the proposed call box would appear obtrusive and dominating, and create the 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. In respect of character and appearance, there would be conflict with development plan policies, insofar as those policies are a material consideration to this appeal for prior approval.
6. Whilst the proposal would add to the amount of street clutter, the street would remain of sufficient width with space for pedestrians to pass safely. The experience of those with a mobility or visual disability would not be significantly worsened by the addition of the proposed call box in line with bollards, a lighting column and at the time of my site visit various freestanding advertisement signs.
7. I therefore find no significant impediment to the movement of pedestrians from the appeal proposal sufficient to materially harm their safety. In respect of the safe movement of pedestrians, there would be no conflict with development plan policies, insofar as those policies are a material consideration to this appeal for prior approval.
8. In reaching my findings, 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

9. 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.
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. However, notwithstanding my findings in respect of the safe movement of pedestrians, and the cumulative benefits of the proposal, they do not outweigh the significant harm that I have identified to the character and appearance of the area. The appeal therefore does not succeed.

Sue Glover

INSPECTOR