



Appeal Decision

Site visit made on 19 February 2019

by L Perkins BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2019

Appeal Ref: APP/F5540/W/18/3204228

Pavement outside 534 London Road, Isleworth, London TW7 4EP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Tom Fisher of Euro Payphone Limited against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 00707/O/S534/COM1, dated 9 November 2017, was refused by notice dated 13 December 2017.
 - The development proposed is installation of new telephone kiosk.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken the description of development in the heading above from the Council's decision notice as this more accurately describes the development proposed than the application form.
3. A more detailed drawing showing the intended position of the kiosk was submitted with the appeal in response to the Council's first reason for refusal concerning the accuracy of information provided. I am satisfied this plan does not change the proposal and I have determined the appeal on the basis of the information provided including this drawing.

Main Issues

4. There is no dispute between the main parties that the proposal meets the requirements of Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (the GPDO) and therefore that it constitutes permitted development under this Class, subject to the prior approval of siting and appearance. Therefore, based on the Council's decision notice, the main issues are the effects of the siting and appearance of the proposed kiosk on highway safety and the character and appearance of the area, including the Spring Grove Conservation Area.

Reasons

Highway Safety

5. The proposed kiosk would be located on the footway of London Road near the junction with Spring Grove Road. The drawings provided do not show which way round the kiosk would be sited i.e. on which side of the structure the telephone apparatus would be located. Moreover, no scaled plan has been

provided showing the precise location of the kiosk in relation to the pedestrian crossing over Spring Grove Road.

6. Consequently I cannot be certain the proposed kiosk would not obstruct visibility to at least some extent for drivers of vehicles turning left into Spring Grove Road from London Road or for pedestrians crossing from the west side of Spring Grove Road to the east side who need to be able to look back to London Road before crossing. The appellant considers drivers would need to slow down significantly to turn left from London Road into Spring Grove Road but limited evidence has been provided to demonstrate this is the case.
7. The structure of the proposed kiosk includes glass. But it also includes a full height solid section containing the telephone apparatus and, when in use, customers using the facility would mean the kiosk could not be easily seen through. As such I am not satisfied the siting of the kiosk in the location proposed would not increase the likelihood of collisions between vehicles and pedestrians. I therefore conclude the proposal would harm highway safety.
8. For drivers turning right into London Road from Spring Grove Road the geometry of the junction is different to the scenarios above. They would be positioned significantly further south with a good view of the carriageway of London Road. Therefore in my judgement visibility for this manoeuvre would not be compromised by the proposed kiosk on the footway.

Character and Appearance

9. The proposed kiosk would be prominently sited near a junction within the Spring Grove Conservation Area and therefore I have a statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area.
10. This part of the conservation area consists of a parade of commercial high street uses at ground floor level set within historic buildings which contribute positively to the character and appearance of the conservation area.
11. Some street furniture occupies the footway immediately around the location proposed for the kiosk. It includes telecommunication boxes, a bin, cycle parking stands, railings, a lamppost, parking signs and fixed advertisement signage. The proposed kiosk would be a significant addition to the parade in this context and would add clutter to the footway to the detriment of the character and appearance of the conservation area.
12. Given the size and scale of the proposed kiosk I consider it would cause less than substantial harm to the character and appearance of the conservation area. Nevertheless, any harm to the significance of a designated heritage asset should require clear and convincing justification and in accordance with paragraph 196 of the Framework, I must weigh the harm against the public benefits of the proposal.
13. The kiosk would improve telecommunications facilities in the area but the evidence indicates alternative provision already exists close by. Therefore, in my judgement, this is not a public benefit of sufficient weight to outweigh the harm to the conservation area identified above.

14. I note in respect of this issue the appellant considers existing street furniture may be removed. But limited evidence has been provided to demonstrate this is the case.
15. My attention has been drawn to Policy CC2 of the Local Plan which seeks a high quality public realm. Whilst this prior approval appeal has not been determined on the basis of Section 38(6) of the Planning and Compulsory Purchase Act 2004, this policy is relevant to the planning judgement to be made on this main issue and I have found that the development does not accord with this policy.

Other Matters

16. I appreciate the design of the proposed kiosk may be accessible to wheelchair users and may be less appealing to individuals wishing to engage in anti-social behaviour. But these points do not outweigh the harm I have identified above.
17. My attention has been drawn to an appeal decision for a kiosk allowed in Clapham¹. But I am not satisfied the circumstances in that case are the same as those in this case, particularly in respect of highway safety and the location of the kiosk in relation to other street furniture.

Conclusion

18. For the reasons given above the appeal is dismissed.

L Perkins

INSPECTOR

¹ APP/N5660/W/17/3182586 dated 25 January 2018