



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/18/3204323

Pavement outside 581 London Road, Isleworth, London TW7 4EJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - 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/S581/COM1, dated 9 November 2017, was refused by notice dated 13 December 2017.
 - The development proposed is the installation of a 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 Issue

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 the main issue is the effect of the proposed development on highway safety in terms of its siting and appearance.

Reasons

5. The proposed kiosk would be located on the footway between two crossovers. The western crossover provides vehicular access to a vehicle sales yard and the eastern crossover provides vehicular access to a large number of flats with off-street parking.

6. 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 both crossovers noted above. Consequently I cannot be certain the proposed kiosk would not obstruct the visibility of drivers exiting the crossovers to at least some extent, particularly drivers of vehicles exiting the western crossover looking east or drivers of vehicles exiting the eastern crossover looking west.
7. The appellant considers visibility would not be obstructed by the kiosk in part because cars are regularly parked on the road adjacent to the appeal site. However, a yellow line runs parallel to the kerb restricting parking here for at least part of the day. Therefore I am not satisfied parked cars necessarily prevent visibility being obstructed in this case.
8. 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 vehicular collisions. I therefore conclude the proposal would harm highway safety.
9. 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. 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 the location of the kiosk in relation to crossovers.
10. My attention has been drawn to Policy EC2 of the Local Plan referred to in the Council's report which seeks to avoid adverse impacts on the transport network. 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 in this case and I have found that the development does not accord with this policy.

Conclusion

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

L Perkins

INSPECTOR

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