



Appeal Decision

Site visit made on 6 July 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/18/3203855

Pavement outside 10 South Street, Isleworth, London TW7 7BG

- 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 Ltd against the decision of the Council of the London Borough of Hounslow.
 - The application Ref 01031/O/S10/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 the main issues are the effects of the siting and appearance of the proposed kiosk on the character and appearance of the area, including the Isleworth Riverside Conservation Area and the setting of neighbouring listed buildings and the effect on highway safety.

Reasons

Character and Appearance

5. The proposed kiosk would be prominently sited on the footway within the Isleworth Riverside 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.
6. South Street contains buildings dating from the 18th and 19th centuries which contribute positively to the character and appearance of the conservation area. The street has the appearance of a village centre, focussed around a memorial drinking fountain. It is lined with commercial uses at ground floor level.
 7. Some street furniture occupies the footway immediately around the location proposed for the kiosk. It includes cycle racks, a lamppost, a parking payment machine, traffic and parking signage and a large post box. The proposed kiosk would be a significant addition to the street in this context and would add clutter to the footway to the detriment of the character and appearance of the conservation area. I appreciate the structure of the proposed kiosk includes glass but this does not mitigate the harm identified above.
 8. The proposal would be sited close to listed buildings including the public hall and 6 South Street but I do not consider these close enough for their setting to be adversely affected by the proposed kiosk.
 9. 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 National Planning Policy Framework (the Framework), I must weigh the harm against the public benefits of the proposal.
 10. The kiosk would improve telecommunications facilities in the area. But in my judgement this is not a public benefit of sufficient weight to outweigh the harm to the conservation area identified above.
 11. In respect of this main issue my attention has been drawn to Policies CC4 and EC4 of the Local Plan. The first of these is consistent with paragraph 196 of the Framework noted above and the second seeks the avoidance of adverse impacts on conservation areas. Whilst this prior approval appeal has not been determined on the basis of Section 38(6) of the Planning and Compulsory Purchase Act 2004, these policies are relevant to the planning judgement to be made on this main issue and I have found that the development does not accord with these policies.

Highway Safety

12. The Council is concerned the proposed kiosk would block the visibility of street signage including a nearby 20 mph sign. Based on the information provided and my inspection of the site I am satisfied that the kiosk would not block the visibility of any traffic signage including the 20 mph sign referred to. Consequently there would be no harm to highway safety on this basis.
13. 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. This is relevant to the planning judgement to be made on this main issue. But as I have not found harm in this respect I find no conflict with this specific policy.

Other Matters

14. 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.
15. 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 other street furniture and the consequential effect on the character and appearance of the area.

Conclusion

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

L Perkins

INSPECTOR

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