



Appeal Decision

Site visit made on 24 June 2019

by John Wilde CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 16 July 2019

Appeal Ref: APP/H5390/W/18/3208959

Opposite Block A, Peabody Estate, Lillie Road, London SW6 1TU

- 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, Class A of the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended).
 - The appeal is made by Maximus Networks Ltd against the decision of the Council of the London Borough of Hammersmith & Fulham.
 - The application Ref 2017/00689/TEL56, dated 20 February 2017, was refused by notice dated 12 February 2018.
 - The development proposed is a call box.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended (GPDO 2015), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis.
3. The provisions of the GPDO require the proposed development to be assessed solely on the basis of its siting and appearance. Therefore, whilst the appellant has referred to the purported benefits of the proposed kiosk, I have not taken these matters into account.
4. The National Planning Policy Framework (the Framework) supports high quality communications infrastructure and requires that local planning authorities must determine applications on planning grounds only. In accordance with the provisions of Schedule 2, Part 16 of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), and subject to any relevant exception, limitation or condition specified therein, development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network is permitted development. Therefore, matters such as the need for the development are not at issue in this appeal.

5. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan and the National Planning Policy Framework (the Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
6. The Hammersmith and Fulham Local Plan was adopted on 28 February 2018. This replaced the Core Strategy 2011 and the Development Management Local Plan 2013 and along with the London Plan forms the Development Plan for the Borough.

Main Issue

7. The main issue is the effect of the siting and appearance of the proposed kiosk upon the character and appearance of the surrounding area.

Reasons

8. The proposed kiosk would be sited on the carriageway side of the wide footway adjacent to the Peabody Estate to the south of Lillie Road. Whilst there is a row of shops on the opposite side of the road giving it a commercial feel the area on the south of the road in the proximity of the proposed kiosk exhibits a slightly more suburban feel due to the wide footway, trees at the rear of the footway and the presence of the imposing Peabody building, which extends to six stories at its highest point.
9. Within relatively close proximity this length of footway already has a letter box, two light columns, a telephone box, a traffic sign post and a bus shelter with a post towards the outside of the footway and a further two telephone boxes at the rear of the footway. Furthermore, there is a modern communications installation within about 1m of the proposed site for the kiosk. On the opposite side of the road there is a green electronics/communications box, a bus shelter with associated post and two litter bins.
10. There is already therefore a proliferation of equipment and street furniture within the immediate area. I acknowledge that the proposed kiosk would be of a sound functional design and would not necessarily be visually dominating in its own right. It would however fill another gap between the existing street furniture on the outside of the footway. This would only add to the sense of lack of openness and clutter that is already beginning to be experienced along this section of footway, which as I have previously noted, is not heavily commercialised. This would be harmful to the character and appearance of the area.
11. The proposed kiosk would conflict with policy 6.10 of the London Plan which seeks to promote a simplified streetscape and de-cluttering and with policy DC10 of the Hammersmith and Fulham Local PLAN 2018, which, whilst lending support to the expansion of a telecommunications network, also makes clear that the siting and appearance of apparatus minimise impact on visual amenity, character or appearance of the surrounding area.

Conclusion

12. In light of the above reasoning, and taking into account all other matters raised, I conclude that the appeal should be dismissed.

John Wilde

INSPECTOR