



Appeal Decisions

Site visit made on 6 July 2019

by E Symmons BSc (Hons), MSc

an Inspector appointed by the Secretary of State

Decision date: 13 August 2019

All Appeals

- The appeals are 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 appeals are made by Maximus Networks Ltd against decisions made by the Council of the London Borough of Islington.
 - The development proposed in each case is for a call box.
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Appeal A - Ref: APP/V5570/W/18/3211442

St. John's Street adj. City University, Islington, London EC1R 0JD

Grid reference easting: 531566, grid reference northing: 182665

- The application Ref P2018/0297/PRA, dated 24 January 2018, was refused by notice dated 16 March 2018.
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Appeal B - Ref: APP/V5570/W/18/3211446

201-203 Old Street, Islington, London EC1V 9QN

Grid reference easting: 532610, grid reference northing: 182463

- The application Ref P2018/0311/PRA, dated 24 January 2018, was refused by notice dated 16 March 2018.
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Appeal C - Ref: APP/V5570/W/18/3211745

140 Old Street, Islington, London EC1V 9BJ

Grid reference easting: 532463, grid reference northing: 182404

- The application Ref P2018/0275/PRA, dated 24 January 2018, was refused by notice dated 20 March 2018.
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Appeal D - Ref: APP/V5570/W/18/3211440

80 Old Street, Islington, London EC1V 9AZ

Grid reference easting: 532264, grid reference northing: 182331

- The application Ref P2018/0293/PRA, dated 24 January 2018, was refused by notice dated 16 March 2018.
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Appeal E - Ref: APP/V5570/W/18/3211585

97 Old Street, Islington, London EC1V 9JJ

Grid reference easting: 532253, grid reference northing: 182342

- The application Ref P2018/0276/PRA, dated 24 January 2018, was refused by notice dated 19 March 2018.
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Appeal F - Ref: APP/V5570/W/18/3211517

163 Old Street, Islington, London EC1V 9NH

Grid reference easting: 532456, grid reference northing: 182417

- The application Ref P2018/0285/PRA, dated 24 January 2018, was refused by notice dated 16 March 2018.
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Appeal G - Ref: APP/V5570/W/18/3211737

City Road, adj. Kestrel House, Islington, London EC1V 8EL

Grid reference easting: 532022, grid reference northing: 182923

- The application Ref P2018/0280/PRA, dated 24 January 2018, was refused by notice dated 20 March 2018.

Appeal H - Ref: APP/V5570/W/18/3211842

332b Goswell Road, Islington, London EC1V 7LQ

Grid reference easting: 531672, grid reference northing: 182969

- The application Ref P2018/0305/PRA, dated 23 January 2018, was refused by notice dated 20 March 2018.

Appeal I - Ref: APP/V5570/W/18/3211739

Goswell Road adj. King's Square Gardens, Islington, London EC1V 7ET

Grid reference easting: 531891, grid reference northing: 182588

- The application Ref P2018/0292/PRA, dated 24 January 2018, was refused by notice dated 20 March 2018.

Appeal J - Ref: APP/V5570/W/18/3211513

235 St John Street, Islington, London EC1V 4NG

Grid reference easting: 531619, grid reference northing: 182512

- The application Ref P2018/0277/PRA, dated 24 January 2018, was refused by notice dated 16 March 2018.

Appeal K - Ref: APP/V5570/W/18/3211439

264 St John Street, Islington, London EC1V 4PE

Grid reference easting: 531641, grid reference northing: 182512

- The application Ref P2018/0278/PRA, dated 24 January 2018, was refused by notice dated 16 March 2018.

Appeal L - Ref: APP/V5570/W/18/3211743

Tysoe Street, adj. 84-86 Roseberry Avenue, Islington, London EC1R 4QY

Grid reference easting: 531310, grid reference northing: 182547

- The application Ref P2018/0295/PRA, dated 24 January 2018, was refused by notice dated 20 March 2018.

Appeal M - Ref: APP/V5570/W/18/3211741

155 Farringdon Road, Islington, London EC1R 3AL

Grid reference easting: 531254, grid reference northing: 182282

- The application Ref P2018/0281/PRA, dated 24 January 2018, was refused by notice dated 20 March 2018.

Appeal N - Ref: APP/V5570/W/18/3211744

160 Farringdon Road, Islington, London EC1R 3AS

Grid reference easting: 531037, grid reference northing: 182505

- The application Ref P2018/0296/PRA, dated 24 January 2018, was refused by notice dated 20 March 2018.

Decision

1. The appeals A, C, D, E, F, G, H, I, J, K, L, M and N are dismissed.
2. Appeal B is allowed subject to the standard conditions contained in Parts A.2 and A.3 of Part 16, Class A of Schedule 2 of the Town and Country Planning

(General Permitted Development) (England) Order 2015 and following additional condition:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plans 1:1250 and Site Plan 1:200 showing the pavement dimensions; Photograph showing proposed position of phone kiosk marked 'X'; and the Maximus Networks Ltd Telephone Kiosk Design; Maximus Networks Ltd Telephone Kiosk technical drawings showing the Floor Plan (01), Roof Plan (02), Front Elevation (03), Side Elevation (04) and Rear Elevation (05).

Preliminary and Procedural Matters

3. During the course of these appeals there has been a judgment¹ concerning prior approval for a public call box development. The main parties were given the opportunity to provide comments on the relevance of this judgment to their respective cases. In view of this judgement the parties disagree on whether the proposals are permitted development or not. In each of the 14 appeals, only the construction of the kiosks is being considered and the appellant is not seeking advertisement consent. For the appeals before me, whilst a non-illuminated poster advert could be displayed on one of the glazed surfaces of the proposed call boxes, having carefully considered the evidence including the proposed design, in terms of the structure, features and materials, I am of the view that they do not constitute a dual purpose. They are solely for the purpose of the operator's electronic communications network and as such would fall within the permitted development rights regime.
4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GDPO) as amended, under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority, and therefore the Secretary of State, to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of these appeals has been made on this basis.
5. For appeal K, the original reason for refusal related to the appearance of the proposal. However, within the Council's appeal statement, a siting issue, being harm to the safe and efficient operation of the highway, was raised. Having considered the evidence provided I have included this as a main issue within this appeal.
6. The Council has referred to development plan policies in its reasons for refusal. The principle of development is established by the provisions of Schedule 2, Part 16, Class A of the GDPO and do not require regard to be had to the development plan. Although not determinative, I have had regard to the development plan, and related guidance, only where they are material considerations relevant to the matters of siting and appearance.
7. Since submission of this appeal the National Planning Policy Framework² (The Framework) has been revised. As the changes are minor, and do not relate to the issues within this appeal, I have had regard to the revised Framework in my decision and I am satisfied this has not prejudiced either party.

¹ Westminster CC v SSHCLG & New World Payphones Ltd [2019] EWHC 176 (Admin).

² February 2019.

Main Issues

8. The main issues are the effect of the proposals on:

- for appeal A, the setting of both the Grade II listed building and the Northampton Square CA; for appeals D, E and F, the character, appearance and setting of St Luke's CA; for appeals G and M, the setting of the Duncan Terrace/Colebrooke Row CA; for appeals A and H, the setting of the New River CA; for appeal I, the setting of the Hat and Feathers CA; for appeals J, K and M, the character, appearance and setting of the Clerkenwell Green CA and for appeals K, L and M, the character, appearance and setting of the Roseberry Avenue CA. For appeals B and C, the character and appearance of the area; and
- for appeals A, C, D, E, H, I, J, L and N the safe and efficient operation of the highway.

Reasons

Proposed public call box

9. In each case the proposed public call box would have a square footprint of around 1.1m x 1.3m and be approximately 2.6m high. All would comprise of a 3-sided structure with a steel frame, open at the front with two clear-glazed shorter side panels and solid back panel. The overhanging roof would incorporate photovoltaic (PV) modules.
10. A 'dashboard' has been provided for each appeal site which gives a technical assessment carried out by Odyssey Consulting regarding the siting and impact of the proposals on the operation of the highway. This assesses each site with respect to the Transport for London (TfL) Pedestrian Comfort Guidance 2010 (the appellant's primary test) which advises variable pavement clearance widths related to the levels of pedestrian use. All appeals within this Decision are in areas identified as having a high pedestrian flow and a pavement width of 5.3m is advised. The site is then assessed against the TfL Streetscape Guidance³ (the appellant's secondary test) which recommends a minimum footpath width of two metres, although an absolute minimum of one metre is acceptable if the obstruction does not run for more than 6m. I regard these tests as an appropriate method to assess the impact of the siting of the call boxes and have proceeded on this basis. No indication has been provided as to the precise orientation of each call box and I have determined the appeals with reference to the identified red square footprint on the submitted photographs and the dimensions shown on the site dashboard.
11. The design would be plain, simple and functional without any proposed colouring, lettering or illumination. It is noted that the appellant's intention is to provide a new network of public call boxes which would have a uniformity of design. Each proposed call box would be an accessible local community facility, and the PV modules would generate power for each kiosk.
12. The appellant considers the ambition to reduce 'clutter' is unrealistic and unnecessary. However, although street furniture forms part of the public realm, it must be coherently placed and relate to its surroundings. Consideration of its

³ Transport for London, Streetscape Guidance, Third Edition, 2017, Revision 1.

visual impact within the context of the streetscape is relevant and has formed part of my assessment. My attention has been drawn to two appeal decisions⁴ which give an interpretation of the term appearance. In those cases, consideration was made of the proposal's impact alone or in combination with other street furniture and how well its design allowed it to blend with the character of the area. These considerations have formed part of my Decision.

13. I have had regard to Policy DM8.2 of the Islington Development Management Policies 2013 (DMP) which relates to a proposal's siting and seeks that development does not have a negative impact upon the operation of the highway. With respect to appearance, Policy DM2.1 of the DMP and Policy CS 9 of Islington's Core Strategy, 2011 (Core Strategy) relates to design and the need for proposals to make a positive contribution to the local character and distinctiveness including the way the area functions. Policy CS 7 of the Core Strategy seeks a quality public realm and relates to Bunhill and Clerkenwell areas. Policy CS 8 of the Core Strategy seeks improvement of the public realm and good design quality. Policy BC3 of the Finsbury Local Plan 2013 (Local Plan) which seeks an improved public realm prioritising pedestrian movement is specific to part of Old Street and surrounding streets. Similarly, Policy BC1 (C, iv) of the Local Plan seeks improved access from Goswell Road to King's Square Gardens. These policies are supported by the Islington Streetbook Supplementary Planning Document 2012 (SPD).
14. Appeals D, J, and L relate to proposed sites within Conservation Areas (CAs), appeals E, F, G, H, I, J, K, M and N would be in close proximity to CAs and appeal A, close to a listed building. Policy DM2.3 of the DMP is therefore relevant to these cases as it relates specifically to heritage assets and seeks that proposals conserve and enhance the historic environment. This policy also makes reference to non-designated heritage assets and therefore has a wider scope within assessment of character and appearance.
15. For those appeals where the proposal potentially affects CAs, I have had regard to the statutory requirements of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which require that I pay particular attention to the desirability of preserving or enhancing the character or appearance of the CA. Paragraph 193 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a CA, great weight should be given to the asset's conservation. That is still so, irrespective of whether the potential harm is 'less than substantial'.

Appeal A - St. John's Street adj. City University, Islington, London, EC1R 0JD

16. The appeal site is situated on the pavement outside the City University Rhind Building. This large modern structure sits on a prominent corner opposite the Grade II Listed 'College Building'. There is very little other street furniture in the vicinity other than a bus stop to the south, a litter bin, lighting columns and a set of traffic lights. The corner is relatively uncluttered with few obstacles and clear views from the surrounding area. Despite the simple design and due to its position on the outside edge of the pavement, a call box in this position would create a visual obstruction which would restrict the openness of the area. It would, by virtue of its height and mass, introduce a visually intrusive feature in

⁴ APP/X5210/A/12/2178982 and APP/X5990/A/12/2187244.

- the streetscape. This would harm the character and appearance of the area and fail to preserve the setting of the New River CA which sits to the north of the appeal site. This would be due to the proposal blocking views into the CA when looking north along St John Street. This harm would be less than substantial.
17. The Grade II listed College Building is within and forms the western boundary of the Northampton Square CA which is one of London's historic squares. From this CA, due to the proposed position of the call box on the opposite side of the wide carriageway, the proposal would be viewed within the context of the Rhind building rather than the listed building and this would lessen its prominence in relation to the historic buildings. The proposal would therefore preserve the setting of the listed building and its particular significance, and would also preserve the setting of the CA.
18. At the proposed call box site, the dashboard indicates a pavement width of 7.4m concluding that the area complies with the primary test. It goes on to say that should the call box be installed, around 5.5m of pavement width would still be available which would comply with the secondary test. However, this figure has been calculated by including the private forecourt space of the Rhind building. This area is not level having a graded step feature. Due to this discrepancy in measurements I have no certainty that an appropriate area of clear pavement would be available. Additionally, due to the projecting corner of the Rhind building, a call box in this position would hamper pedestrian movement and create a pinch point in this busy area. It has been brought to my attention that the call box would be placed in the vicinity of the fire exit doors of the Rhind building and no assessment of this potential hazard has been provided. As such, I must take a precautionary approach and this issue adds to my concern regarding the proposal's position. For these reasons the proposed call box would harm the safe and efficient operation of the highway.

Appeal B - 201-203 Old Street, Islington, London, EC1V 9QN

19. The pavement in this area is 21.4m wide. The site is within the 'promenade of light' landscape area which seeks an open and uncluttered character which prioritises pedestrian movement. The current design consists of two rows of street furniture/trees which in effect forms three clear pavement areas separated by the two rows of street furniture and trees. Street furniture in the vicinity, includes seating; cycle stands; a bus shelter; road signs, lampposts and three other call boxes. However, due to the width of the pavement, the area is still visually and physically permeable for pedestrians. The proposed call box would have a 6.6m setback from the kerb and be within the line of street furniture closest to the carriageway. Its height and mass would be off-set by the combination of the mature trees, other larger scale street furniture and the width of the pedestrian area. It would sit next to an existing litter bin which could still be accessed and although it would add an impediment to pedestrian travel between the three areas of pavement, this would be minimal within the context of the wide pavement area.
20. The Council have cited two call box decision letters⁵ where the appeal was dismissed. Both relate to Islington with the first being for 15 and the second, for two linked decisions. Both decisions relate to a different type of call box to that within this current appeal with those in appendix C relating to a kiosk with

⁵ APP/V5570/W/18/3209577 and APP/V5570/H/18/3209473.

an illuminated panel. I do not have the full details and have not visited these sites and cannot determine whether the circumstances are similar to this case. I have therefore determined these appeals on their individual merits, based on the evidence presented to me and my observations at the time of my site visit.

21. To conclude, the proposal would not harm the appearance of the area nor would its siting harm the safe and efficient operation of the highway.

Appeal C - 140 Old Street, Islington, London, EC1V 9BJ

22. The appeal site is situated on the outside edge of the pavement beside a modern building within a row of business properties. The opposite side of the street is residential in nature. There is very little other street furniture in the vicinity other than a utility box; litter bin; lighting columns and a traffic enforcement camera. Views along Old Street in either direction are therefore relatively clear. A call box in this position would create a visual obstruction which would restrict this openness. Despite the simple design and due to its position on the outside edge of the pavement it would, by virtue of its height and mass, introduce a visually intrusive feature in the streetscape. This would harm the character and appearance of the area.
23. At the proposed call box site, the dashboard indicates a pavement width of 5.8m which complies with the primary test. Should the call box be installed there would be around 4.1m of available pavement width which would comply with the secondary test and I have no reason to disagree with this assessment. The Council considers that the position of the call box would obstruct highway use by cyclists as only a 0.45m gap from the kerb line is proposed. However, this gap would be in accordance with guidance contained within paragraph 11.11 of the Streetscape Guidance and I give this concern little weight. Additionally, it has been suggested that the proposal may block the nearby traffic enforcement camera however, no substantive evidence has been provided to confirm this. The proposal would not harm the safe and efficient operation of the highway as it would retain sufficient pavement clearance to allow for the movement of pedestrians.

Appeal D - 80 Old Street, Islington, London, EC1V 9AZ

24. The appeal site is situated on the outside edge of the pavement within St Luke's CA which is characterised by the presence of historic 18th and 19th century buildings. The call box would be within sight of St Luke's Church which is central to the CA. There is very little other street furniture in the vicinity other than lighting columns, a post/parcel box and road signs. Views along Old Street in either direction are currently relatively clear. The proposed location would be directly outside the doors of the Easyhotel. A call box in this position would cause a visual obstruction to users of the hotel lobby and entrance. Despite the simple design and due to its position on the outside edge of the pavement it would, by virtue of its height and mass, introduce a visually intrusive feature in the streetscape. This would create a visual obstruction which would restrict the openness of the area and fail to preserve the character and appearance of the CA. This harm would be less than substantial.
25. At the proposed call box site, the dashboard indicates a pavement width of 4.4m which does not comply with the primary test. Should the call box be installed the available pavement width would be 2.7m which complies with the

secondary test and I have no reason to disagree with this assessment. However, hotels generate high localised footfall which is often associated with on-pavement waiting by customers with luggage in addition to drop-off by taxis. The proposed call box position, due to the presence of the hotel and the existing width of the pavement which would be less than that advised within TfL guidance, would create an obstruction to the flow of pedestrians. This would harm the safe and efficient operation of the highway.

Appeal E - 97 Old Street, Islington, London, EC1V 9JJ

26. The appeal site is situated on the outside edge of the pavement within a line of street trees. It would sit outside a high modern building in front of a three-panel brick wall. Although there is another call box further along Old Street, there is very little other street furniture in the immediate area other than one road sign and a lighting column. Views along Old Street in either direction are relatively clear with few obstacles and clear sightlines. Despite the simple design, and due to its position on the outside edge of the pavement, it would by virtue of its height and mass, introduce a visually intrusive feature in the streetscape which would restrict this openness and harm the character and appearance of the area. The site is visible from, and surrounded by, St Luke's CA which is characterised by historic 18th and 19th century buildings. The proposal, by virtue of its effect upon the streetscape, would fail to preserve the setting of St Luke's CA. This harm would be less than substantial.
27. At the proposed call box site, the dashboard indicates a pavement width of 5.5m which complies with the primary test. Should the call box be installed the available pavement width would be 3.6m which complies with the secondary test and I have no reason to disagree with this assessment. The Council considers that the kiosk would create a bottleneck, would obstruct loading and unloading for adjacent shops and obstruct highway use by cyclists as only a 0.45m gap is proposed from the kerb line. However, the call box would not be directly outside an entranceway and there would be adequate clearance on the pavement for pedestrians, the proposed site is not directly outside any retail units and the gap from the kerb would be in accordance with guidance contained within paragraph 11.11 of the Streetscape Guidance. I therefore give these concerns little weight and conclude that the proposal would not harm the safe and efficient operation of the highway.

Appeal F - 163 Old Street, Islington, London, EC1V 9NH

28. The appeal site is situated on the outside edge of the pavement within a line of street trees. It would sit outside high brick walls which surround the adjacent residential development with the opposite side of the street having a more commercial character. Other street furniture in the area includes two service boxes; lighting columns; litter bins; a large seating structure and a traffic enforcement camera. There is another call box further along Old Street. Views along Old Street in one direction are relatively clear, however, in the other direction there is considerably more street furniture which has a negative effect upon the appearance of the area. A call box in this position, by virtue of its height and mass, would create a visual obstruction extending the area of street furniture further down Old Street. This would harm the character and appearance of the area. The proposal would be in the vicinity of, and visible from St Luke's CA which is characterised by more historic 18th and 19th century buildings. Although the site would be visible from the CA, due to the

proposal's position on the same side of the road as the CA, and due to views being obstructed by other street furniture in the middle distance, it would preserve the setting of the CA.

Appeal G - City Road, adj. Kestrel House, Islington, London, EC1V 8EL

29. The appeal site is situated on the inside edge of the pavement 0.2m from the adjacent fence which surrounds the open green area in front of Kestrel House. Kestrel House itself is a high-rise residential block. There is very little other street furniture in the immediate area other than a lamppost and an existing call box. This call box would be adjacent to the proposal and is of a different type and smaller size than the one proposed. Other than the existing call box views along City Road in either direction are relatively clear. A call box in this position would create a visual obstruction which would restrict this openness. Despite the simple design, and due to its proposed position and greater height and visual mass when compared with the existing call box, it would form a visually intrusive feature in the streetscape which would have a harmful effect upon the appearance of the area. The proposal would be in the vicinity of, and visible from Duncan Terrace/Colebrooke Row CA. Although the site would be visible from the CA, its position in the context of the high-rise building to its rear would preserve the setting of the CA.

Appeal H - 332b Goswell Road, Islington, London, EC1V 7LQ

30. The appeal site is situated on the outside edge of the pavement in line with a row of bike stands which form a linear group leading towards a set of traffic lights. The site is within a mixed commercial and residential street and immediately outside the side by side entrances to a tattoo shop and a residential building at Green Man Tower. Other street furniture in the area includes a group of two service boxes and lighting columns with traffic lights further along Goswell Road. Views along Goswell Road in one direction are relatively clear however, in the other direction there is considerably more low-level street furniture which has a negative effect upon the appearance of the area. A call box in this position, by virtue of its height and mass, would create a visual obstruction which would be higher than the adjacent cycle racks and service boxes, and so more obtrusive. This would harm the appearance of the area. Although the site is stated as being within 15m of New River CA, views of this proposal into and out of the CA would be obscured by the high commercial building opposite. As such, the proposal would preserve the setting of the CA.
31. At the proposed call box site, the dashboard indicates a pavement width of 3.4m which does not comply with the primary test. Should the call box be installed the available pavement width would be 1.7m. This is below the recommended 2m clearance but above the absolute minimum of 1m referred to in the secondary test employed and I have no reason to disagree with these assessments. The proposed site would be directly in front of the access to the adjacent residential building at Green Man Tower. A call box in this position would create an obstruction directly adjacent to this point affecting the flow of pedestrians and the ease and convenience of exit and entry to the dwellings. This would be more acute as the existing pavement width would be less than that advised within TfL guidance for the high pedestrian flow in this area. The proposal would therefore harm the safe and efficient operation of the highway.

Appeal I - Goswell Road adj. King's Square Gardens, Islington, London, EC1V 7ET

32. The appeal site is situated on the outside edge of the pavement. The site is outside one of the entrances to King's Square Gardens in an otherwise commercial area. Other street furniture in the area includes a freestanding wayfinding pillar; several call boxes; a bus stop; service box; traffic enforcement camera; road signs and lighting columns. Views along Goswell Road in one direction are relatively constrained due to the amount of street furniture present which has a negative effect upon the appearance of the area. In the opposite direction, in the area of pavement outside the entrance to the gardens and towards Lever Street, there is very little street furniture on the outside edge of the pavement. A call box in this more open position, by virtue of its height and mass, would create a visual obstruction which would harm the openness, character and appearance of the area. The appeal site is visible from Hat and Feathers CA which sits directly to the west and south of the appeal site. Due to the proposal's effect upon the streetscape it would fail to preserve the character and appearance of the CA. This harm would be less than substantial.
33. At the proposed call box site, the dashboard indicates a pavement width of 6.8m which complies with the primary test. Should the call box be installed the available pavement width would be 5.2m which complies with the secondary test and I have no reason to disagree with this assessment. The Council considers that the kiosk would create a bottleneck, but as 5.2m clearance would remain, there would be sufficient pavement clearance to allow for the movement of pedestrians. The proposal would therefore not harm the safe and efficient operation of the highway.

Appeal J - 235 St John Street, Islington, London, EC1V 4NG

34. The appeal site is situated on the outside edge of the pavement outside a commercial building in line with the lighting columns, bike racks and a service box further along St John Street. The appeal site is within the northern end of the Clerkenwell Green CA. This CA is characterised by its long development history dating back to Norman times with an associated range of historic buildings from various periods. There is very little other street furniture in the area although further along St John Street, centrally placed within a wider area of pavement, there are several other call boxes. Views along St John Street in one direction are relatively clear, however, in the other direction, there is considerably more low-level street furniture which has a negative effect upon the appearance of the area. A call box in this position, by virtue of its height and mass, would create a visual obstruction which would be higher and wider than the adjacent cycle racks and service boxes, and so more obtrusive. This would fail to preserve the character and appearance of Clerkenwell Green CA. This harm would be less than substantial.
35. At the proposed call box site the dashboard indicates a pavement width of 7m which complies with the primary test. Should the call box be installed the study estimates that the available pavement width would be 5.2m which would comply with the secondary test and I have no reason to disagree with this assessment. The Council considers that the kiosk would create a bottleneck, but as 5.2m clearance would remain it would allow for the movement of pedestrians. The proposal would therefore not harm the safe and efficient operation of the highway.

Appeal K - 264 St John Street, Islington, London, EC1V 4PE

36. The appeal site is situated on the outside edge of the pavement beside two street trees and in front of a wide landscaped seating area. The general area has a mix of high-rise residential properties and other commercial uses. Other street furniture in the vicinity consists of lighting columns; bike racks; litter bins; a traffic enforcement camera and road sign. Further down the street there is a post box. Although there is street furniture in both directions, the items are narrow and therefore have a lesser mass than the proposal and allow clear views along the street. Due to a seating area which would look directly over the proposed call box site, the proposal would, by virtue of its height and mass create a visual obstruction. This would harm the character and appearance of the area. The Council Officer Report indicates that the appeal site is within Clerkenwell Green CA however, the plan within the relevant CA Guidelines⁶ 2002, indicate that the area is just outside the CA boundary. The appeal site would be visible from the CA and due to the harm identified to the character and appearance of the streetscape, the proposal would fail to preserve its setting. This harm would be less than substantial.
37. At the proposed call box site, the dashboard indicates a pavement width of 18.5m and concludes that the area complies with the primary test. It goes on to say that should the call box be installed the available pavement width would be 15.6m which would comply with the secondary test. However, this has been calculated by including the adjacent landscaped area which does not primarily function as part of the pavement. Due to this discrepancy, I have no certainty that an appropriate area of clear pavement would be available. A call box in this position would also create an obstruction to the existing free flow of pedestrians to and from the landscaped area. It would therefore harm the safe and efficient operation of the highway.

Appeal L - Tysoe Street, adj 84-86 Roseberry Avenue, Islington, London, EC1R 4QY

38. The appeal site is situated on the outside edge of the pavement adjacent to an existing, and smaller style call box. The appeal site is within Roseberry Avenue CA which is characterised by its range of historic buildings including No 84-86 which is directly adjacent. This frontage is listed as a shopfront worthy of retention in the CA guidelines. There is very little other street furniture in the immediate area other than two bike racks and a lighting column. Views along Tysoe Street are therefore only interrupted by the current call box. The proposed call box would be larger than and sit beside the existing call box and create a visual obstruction which would restrict views along the street. It would also detract from the ornate front elevation of the adjacent historic building. Despite the simple design, and due to its position on the outside edge of the pavement, it would by virtue of its height and mass, form a visually intrusive feature in the streetscape. This would fail to preserve the character and appearance of Roseberry Avenue CA. This harm would be less than substantial.
39. At the proposed call box site, the dashboard indicates a pavement width of 4.9m which does not comply with the primary test. It goes on to say that should the call box be installed the available pavement width would be 3m which would comply with the secondary test. However, this has been calculated by including the forecourt area of No 84-86 which is not part of the pavement

⁶ Islington's Conservation Area Design Guidelines. A supplement to the UDP. Revised Version January 2002.

and has a slight slope up towards the building. This pavement has high pedestrian flow and due to the discrepancy in measurements, I have no certainty that an appropriate area of clear pavement would be available if this call box were to be installed. This would therefore have a detrimental effect upon the safe and efficient operation of the highway.

Appeal M - 155 Farringdon Road, Islington, London EC1R 3AL

40. The appeal site is situated on the outside edge of the pavement in line with two nearby street trees. It would be outside the adjacent multi-storey car park which has brick pillars interspersed by railed panels allowing views into the car park. There is very little other street furniture in the area other than a row of cycle racks, lighting columns and a cash/phone kiosk which is situated further along Farringdon Road on the inside edge of the pavement. Views along the road in one direction are relatively clear however, in the other direction they are interrupted by the existing cash/phone box. The proposed call box, by virtue of its height and mass, would create a visual obstruction which would add to that caused by the cash/call box, particularly since these would sit at opposite sides of the pavement effectively blocking views down the street. This would harm the character and appearance of the area. Clerkenwell Green CA sits directly to the south west and Roseberry Avenue CA sits north west and adjacent to the appeal site. The appeal site is visible from both CAs and due to the proposals harm to the streetscape, the setting of the CAs would not be preserved. This harm would be less than substantial.

Appeal N - 160 Farringdon Road, Islington, London, EC1R 3AS

41. The appeal site is situated on the inside edge of the pavement adjacent to railings which enclose an area of green space to the front of a block of residential properties. Other street furniture in the vicinity consists of a row of cycle racks; a road sign; a lighting column and a set of traffic lights. The proposed site would be a few metres away from two side by side, smaller style call boxes which also sit on the inside edge of the pavement. A call box in this position, by virtue of its height and mass which would be greater than the existing call boxes, would create a visual obstruction which would add to that currently present and harm the character and appearance of the area. The area directly opposite the appeal site is within Roseberry Avenue CA. Although much of this area is currently under development, the existing sandstone pillared boundary wall and railings opposite have been retained. The appeal site is clearly visible from the CA and due to the effect of the proposal upon the streetscape, it would not preserve the setting of the CA. This harm would be less than substantial.
42. At the proposed call box site, the dashboard indicates a pavement width of 4m which does not comply with the primary test. Should the call box be installed the study estimates that the available pavement width would be 2.4m which would comply with the secondary test employed and I have no reason to disagree with this assessment. This section of pavement has a width below that recommended for a high footfall area. However, the remaining available pavement width would be greater than the 2m recommended in the streetscape guidance. The Council expresses concern that the gap to the rear of the proposed call box would not allow for maintenance of the apparatus or the adjacent fence. Whilst not ideal, the fence could be reached from within the property it encloses. It would also be possible to access the side panel of the

call box from the highway via this gap. In the absence of other contributory obstructing factors, the proposal would not harm the safe and efficient operation of the highway and would retain sufficient pavement clearance to allow for the movement of pedestrians.

Conclusions

43. In the case of appeals A; D; E; I; J; K; L; M and N, I have found that the appearance would fail to preserve or enhance the character or appearance of the relevant CA. Paragraph 193 of the Framework advises that when considering the impact of a proposed development on the significance of a designated heritage asset, such as a CA, great weight should be given to the asset's conservation. That is still so, irrespective of whether the potential harm is 'less than substantial'. As harm to heritage assets in each case would be less than substantial, and in accordance with paragraph 196 of the Framework, the public benefit must be balanced against any harm found. The proposals would provide an accessible local community facility using PV modules to generate power sustainably for each kiosk. However, although there would be some public benefit in each case, this would not outweigh the harm to the CA. These appeals would therefore conflict with Policies DM2.1 and DM2.3 of the DMP.
44. In the case of appeals C, F, G and H, for the reasons given above I have found that the appearance of the proposals would harm the character and appearance of the respective areas. Accordingly, these proposals would conflict with Policies DM2.1 and DM2.3 of the DMP. Appeal C would also conflict with Policy BC 3 of the Local Plan and Policy CS 7 of the Core Strategy and appeal G would conflict with Policy CS 9 of the Core Strategy.
45. In the case of appeals A; D; H; K and L, for the reasons given above I have found that the siting of the call boxes would result in harm to the safe and efficient operation of the highway. Accordingly, these proposals would conflict with Policy DM8.2 of the DMP.
46. In the case of appeal B, I have found no conflict with Policy DM2.1 of the DMP or Policy CS8 of the Core Strategy. For the reasons stated above appeal B is allowed.
47. For the reasons stated above appeals A, C, D, E, F, G, H, I, J, K, L, M and N are dismissed.

E Symmons

INSPECTOR