



Appeal Decisions

Site visit made on 9 July 2019

by Kate Mansell BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 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 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 the decisions of City of Westminster Council.
 - The development proposed in each case was originally described as a 'call box'.
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Appeal A Ref: APP/X5990/W/18/3211406

35 Haymarket, London SW1Y 4HA

Grid Reference Easting 529658 and Grid Reference Northing 180655

- The application Ref 18/00874/TELCOM, dated 1 February 2018, was refused by notice dated 20 March 2018.
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Appeal B Ref: APP/X5990/W/18/3211634

Grosvenor Road junction Bessborough Gardens, Bessborough Gardens, London SW1V 2HS

Grid Reference Easting 529932 and Grid Reference Northing 178285

- The application Ref 18/00889/TELCOM, dated 31 January 2018, was refused by notice dated 20 March 2018.
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Appeal C Ref: APP/X5990/W/18/3211629

39 Wilton Road, London SW1V 1LJ

Grid Reference Easting 529067 and Grid Reference Northing 178902

- The application Ref 18/00941/TELCOM, dated 31 January 2018, was refused by notice dated 20 March 2018.
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Appeal D Ref: APP/X5990/W/18/3211628

270 Vauxhall Bridge Road, London SW1V 1BB

Grid Reference Easting 529127 and Grid Reference Northing 178946

- The application Ref 18/00940/TELCOM, dated 31 January 2018, was refused by notice dated 20 March 2018.
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Appeal E Ref: APP/X5990/W/18/3211666

Elizabeth Bridge, Victoria, London SW1V 4BJ

Grid Reference Easting 528776 and Grid Reference Northing 178627

- The application Ref 18/00943/TELCOM, dated 31 January 2018, was refused by notice dated 20 March 2018.
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Appeal F Ref: APP/X5990/W/18/3211638

Rampayne Street o/s Pimlico Station, Rampayne Street, London SW1V 2PU

Grid Reference Easting 529666 and Grid Reference Northing 178342

- The application Ref 18/00890/TELCOM, dated 31 January 2018, was refused by notice dated 20 March 2018.
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Appeal G Ref: APP/X5990/W/18/3211651

65 Vauxhall Bridge Road, London SW1V 2SW

Grid Reference Easting 529446 and Grid Reference Northing 178659

- The application Ref 18/00891/TELCOM, dated 31 January 2018, was refused by notice dated 20 March 2018.
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Appeal H Ref: APP/X5990/W/18/3211661

76 Buckingham Palace Road, London SW1W 9TQ

Grid Reference Easting 528764 and Grid Reference Northing 178922

- The application Ref 18/00894/TELCOM, dated 31 January 2018, was refused by notice dated 20 March 2018.
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Appeal I Ref: APP/X5990/W/18/3211654

115 Buckingham Palace Road, London SW1W 9SJ

Grid Reference Easting 528786 and Grid Reference Northing 178926

- The application Ref 18/00866/TELCOM, dated 31 January 2018, was refused by notice dated 20 March 2018.
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Appeal J Ref: APP/X5990/W/18/3211658

200 Buckingham Palace Road, London SW1W 9TJ

Grid Reference Easting 528623 and Grid Reference Northing 178614

- The application Ref 18/00893/TELCOM, dated 31 January 2018, was refused by notice dated 20 March 2018.
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Appeal K Ref: APP/X5990/W/18/3211675

151 Buckingham Palace Road, London SW1W 9SZ

Grid Reference Easting 528696 and Grid Reference Northing 178705

- The application Ref 18/00944/TELCOM, dated 31 January 2018, was refused by notice dated 20 March 2018.
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Appeal L Ref: APP/X5990/W/18/3211657

203 Buckingham Palace Road, London SW1W 9TB

Grid Reference Easting 528577 and Grid Reference Northing 178514

- The application Ref 18/00892/TELCOM, dated 31 January 2018, was refused by notice dated 20 March 2018.
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Decisions

Appeals dismissed

1. The following appeals are dismissed:

- **Appeal A** - 35 Haymarket, London SW1Y 4HA (Application ref: 18/00874/TELCOM)
- **Appeal C** - 39 Wilton Road, London SW1V 1LJ (Application ref: 18/00941/TELCOM)
- **Appeal D** - 270 Vauxhall Bridge Road, London SW1V 1BB (Application ref: 18/00940/TELCOM)
- **Appeal F** - Rampayne Street o/s Pimlico Station, Rampayne Street, London SW1V 2PU 1BB (Application ref: 18/00890/TELCOM)
- **Appeal G** - 65 Vauxhall Bridge Road, London SW1V 2SW (Application ref: 18/00891/TELCOM)
- **Appeal H** - 76 Buckingham Palace Road, London SW1W 9TQ (Application ref: 18/00894/TELCOM)
- **Appeal I** - 115 Buckingham Palace Road, London SW1W 9SJ (Application ref: 18/00866/TELCOM)
- **Appeal J** - 200 Buckingham Palace Road, London SW1W 9TJ (Application ref: 18/00893/TELCOM)
- **Appeal K** - 151 Buckingham Palace Road, London SW1W 9SZ (Application ref: 18/00944/TELCOM)
- **Appeal L** - 203 Buckingham Palace Road, London SW1W 9TB (Application ref: 18/00892/TELCOM)

Appeals Allowed

2. **Appeal B** is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a call box at Grosvenor Road junction Bessborough Gardens, Bessborough Gardens, London SW1V 2HS in accordance with the terms of the application Ref: 18/00889/TELCOM dated 31 January 2018, and the plans submitted with it including un-numbered site plans at 1:1250 and 1:200, photograph showing location of kiosk, Maximum Networks Ltd - Telephone Kiosk Design and Maximum Networks Ltd drawing (plan, front, side and rear elevation).
3. **Appeal E** is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of a call box at Elizabeth Bridge, Victoria, London SW1V 4BJ in accordance with the terms of the application Ref: 18/00943/TELCOM dated 31 January 2018, and the plans submitted with it including un-numbered site plans at 1:1250 and 1:200, photograph showing location of kiosk, Maximum Networks Ltd - Telephone Kiosk Design and Maximum Networks Ltd drawing (plan, front, side and rear elevation).

Preliminary and Procedural Matters

4. As an electronics communications code operator, the appellant benefits from deemed planning permission for a proposed call box under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GPDO), subject to prior approval by the local planning authority in respect of their siting and appearance. The principle of development is not an issue¹.
5. The appellant applied to the Council on that basis. The Council subsequently determined that prior approval was required and refused for the siting and appearance of the call boxes that are the subject of Appeals A-L. I have also made my determinations with regard to siting and appearance of the proposed call boxes in accordance with the GPDO.
6. In the reasons for refusal pursuant to Appeals A-L, the Council cite policies S25, S28, S38 and S41 of the Westminster City Plan (November 2016) (WCP) and Saved Policies DES1, DES7, DES9, DES10 and TRANS3 of the City of Westminster Unitary Development Plan (January 2007) (WUDP) as well as the Westminster Way Supplementary Planning Document (2011) (WWSPD). The appellant refers also to guidance within The London Plan (2016) as well as Streetscape Guidance (2017) and the Pedestrian Comfort Guidance for London (2010) (PCG), both produced by Transport for London (TfL) and the Mayor of London.
7. However, the principle of development is established by the GPDO and prior approval includes no requirement that regard be had to the development plan. The GPDO requires the local planning authority to assess the proposed development solely upon the basis of its siting and appearance, taking into account any representations received. Accordingly, the appeals are not determined on the basis of Section 38(6) of the Planning and Compulsory Purchase Act 2004. Nonetheless, I have taken account of these policies and guidance in so far as they are relevant to matters of siting and appearance in respect of each appeal.
8. The revised updated National Planning Policy Framework (the Framework) was published on 19 February 2019. Insofar as the Framework is relevant to my determination of these appeals, its policies in relation to telecommunications have not been significantly altered as to prejudice either of the main parties by taking it into account as a material consideration.
9. The call boxes that are the subject of Appeals A-L would all be located in different parts of the SW1 postcode within Westminster. They would be freestanding solar powered payphone kiosks with functionality for Wifi modems, 3G, 4G and 5G Small Cells. They are of the same design extending to approximately 2600mm in height. Each call box would be constructed within a steel frame. They would have an open front, a shallow 550mm projecting panel to each side, built with toughened glass, and a solid 1325mm rear panel. A canopy incorporating solar panels would project over the entire structure to a

¹ As per Murrell V Secretary of State for Communities and Local Government and Broadland District Council [2010]

depth of 1125mm. Whilst they would be wider than a traditional call box, this would allow for wheelchair access. Nonetheless, the ground or base area would fall within the permitted development stipulations and not exceed 1.5m².

10. The Council consider that the rear blank elevation of the call boxes would accommodate an advertisement. Consequently, it refers to a High Court judgement² dated February 2019 (the 'New World case'), upon which the appellant has also had the opportunity to comment, which determined that telephone kiosks with advertising panels do not enjoy permitted development under the Town and Country Planning (General Permitted Development) Order 2015, and so cannot be subject to the prior approval regime.
11. Furthermore, the photograph of the appellant's call box at 50-60 Blackfriars Road shows an advertisement in such a location and the it is acknowledged by the appellant that revenue from commercial advertising cross subsidises both the installation of the network and its ongoing maintenance and repair and it is an integral part of the network.
12. However, I am also mindful of the appellant's evidence that the kiosks in the 'New World' case were intended for the dual purpose of advertisement display and telecommunication use, specifically incorporating an illuminated panel on the rear of the kiosk. I also appreciate that Regulation 6 and Class 16 of Schedule 3 to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 grants deemed consent (subject to conditions and limitations, including within Conservation Areas) for a non-illuminated advertisement displayed on the glazed surface of a telephone kiosk (other than a kiosk of type K2 (1927) or K6 (1935) designed by Giles Gilbert Scott).
13. Nonetheless, from the plans before me and from carefully considering the design, function and structure of the call box, advertising does not form part of the appeal submissions. They would be intended for the purpose of the operator's electronic communications network. Consequently, the call boxes that are the subject of Appeals A-L would not, in my view, serve a dual purpose so as to preclude them from the scope of Class A of the GPDO and they would fall within the permitted development rights regime.
14. Having regard to the relevance of the 'need' for the proposed call boxes, the Council accept that this is not an issue that determines whether prior approval is required or granted. Furthermore, the Framework supports high quality communication 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.

² Westminster CC v. SSHCLG & New World Payphones Ltd [2019] EWHC 176 (Admin)

15. I recognise from the appellant's evidence that the design of the kiosk would enable people with limited mobility to access it. I also appreciate that they would incorporate solar panels on the roof to power the payphone, which would represent an energy efficient solution. However, the provisions of the GPDO require the proposed development to be assessed solely on the basis of its siting and appearance. Therefore, I have not taken these benefits into account other than, where relevant, in respect of heritage assets having regard to Paragraph 196 of the Framework.

Main Issues

16. In light of the above, the main issues are:

- In all cases, whether or not approval should be given in respect of the siting and appearance of each call box, with particular regard to its effect on the character and appearance of the area;
- In the case of Appeals A, E, F, G, H, I, J, K and L, whether the proposed development would preserve or enhance the character or appearance of the Conservation Area in which they would be sited or the setting of a Conservation Area, which are designated heritage assets;
- In the case of Appeals A and K, the effect of the proposal on the setting of nearby Listed Buildings;
- In all cases, the effect of the siting of each proposed call box upon pedestrian safety, with particular regard to movement.

Reasons

Appeal A – 35 Haymarket, London SW1Y 4HA

17. Haymarket is a broad busy thoroughfare characterised by grand buildings of varying architectural styles on each side of the street. In addition to a cinema complex and the prominent Theatre Royal, the properties are mainly in retail or café/restaurant use at ground floor level, typically with offices above.
18. The site lies within the Haymarket Conservation Area and close to the boundary of the Regent Street Conservation Area. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, as amended, requires that in making planning decisions on planning applications and appeals within a Conservation Area, special attention is paid to the desirability of preserving or enhancing the character or appearance of the area. From my observations on site, the character of these Conservation Areas is derived in part from the historic architectural quality of the exteriors of the buildings that line these streets and the spaciousness of the road, expressed by the wide carriageway and pavements, permitting generous vistas along them.
19. The proposed call box would also be sited at the edge of the pavement in front of No 35 Haymarket, a Grade II Listed four storey building dating back to circa 1880. The adjoining terrace at Nos 33 and 34 Haymarket are also Grade II Listed. These buildings further contribute to the historic character of the street.

20. Sitting in front of No 35 and its neighbouring Listed buildings, the proposal would be directly visible in views of these buildings along Haymarket and from the surrounding area. Whilst it would be of limited size in relation to their scale overall, its modern and functional appearance would appear incongruous when viewed against them, and it would therefore harm the significance of the setting of these buildings.
21. As a consequence of the generous vistas permitted by the broad width of Haymarket, the call box would also be visible in views along the street. Its functional form would contrast with the constrained elegance of the surrounding buildings. Consequently, it would, in my view, cause harm to the character and appearance of this part of the Haymarket CA and it would therefore fail to preserve the whole of the CA. Similarly, as a consequence of the wide and open street scene, its contemporary appearance would also be prominent from the adjacent Regent Street CA, which would be directly opposite. It would therefore have an unacceptable effect upon its setting, which it would fail to preserve or enhance.
22. Within the immediate vicinity of the call box, I observed existing street furniture, including street lights, communication cabinets and a slim directional sign as well as litter bins, bicycle racks and traditional telephone boxes on the pavement opposite, towards the corner with Coventry Street. Whilst the pavement is wide along Haymarket, the form and scale of the kiosk would nonetheless add to this existing proliferation of street furniture. Consequently, it would be visually discordant and result in a cluttered appearance that would detract from the spacious character and appearance of the street scene.
23. At the time of my visit, the area was also busy with pedestrian footfall in the vicinity of the appeal site, due to the proximity of the range of commercial premises in the area and to Piccadilly Circus. I appreciate that the proposal would maintain a footway clear zone of approximately 2.2m, and would be set 0.45m from the kerb face, which would be consistent with guidance both within the WWSPD (2011) and the Streetscape Guidance (2017). However, the information from the appellant indicates that pedestrian flows are 'active' in this location. In accordance with the PCG (2010), it is therefore an area where the recommended minimum footway width (total width) for comfortable movement and a large piece of street furniture is 4.2m. The WW SPD (2011) also advises that in some busy areas, the clear zone may need to be more.
24. Even if there would be a width of no less than 2m of unobstructed footpath, as a consequence of the high levels of pedestrian activity within the vicinity of the appeal site, which I observed flowing across Haymarket at the time of my visit, in combination with existing street furniture, it would result in an additional obstacle to pedestrian movement. This would also be harmful to pedestrian comfort levels within the locality.
25. Accordingly, I consider that the siting of the call box would be detrimental to pedestrian safety. Furthermore, the siting and appearance of the kiosk would harm the street scene and consequently, the character and appearance of the area. It would also harm the whole of the Haymarket CA and the setting of the Regent Street CA, the character and appearance of which would not be

preserved, as well as harming the setting of the listed buildings at 33-35 Haymarket.

Appeal B - Grosvenor Road junction Bessborough Gardens, Bessborough Gardens, London SW1V 2HS

26. The appeal site is principally characterised by its location at a busy four lane traffic-controlled highway junction at the intersection of Bessborough Gardens, Grosvenor Road and Millbank. The proposal would be set towards the back edge of the pavement, adjacent to Bessborough Gardens. The gardens are overlooked on three sides by traditional four to five storey terraced buildings whilst directly opposite the appeal site as well as to the east, on the south side of Millbank, are modern high-rise blocks.
27. Along Grosvenor Road, within the immediate vicinity of the appeal site, I observed an existing cabinet, lampposts, road signs and traffic lights. Around the corner, on Bessborough Gardens were a number of recycling bins but overall, the street furniture was limited, particularly given the scale of the adjacent highway and the width of the pavement, which widens to approximately 6m towards the junction.
28. The call box would be a modern and functional addition and larger than a traditional call box to facilitate access for all. However, the context is architecturally diverse with the highway being particularly dominant. It would also be seen against the backdrop of the boundary wall and railings that enclose the gardens. Furthermore, its siting would be consistent with the Council's Westminster Way SPD (2011) in so far as it relates to siting and appearance, in that it would be located to the rear of the footway. For this reason, it would, in my view, not result in an undue proliferation of street clutter.
29. I appreciate that the Council have cited an appeal decision on Great Titchfield Street³ for a telephone kiosk that the Inspector found to be intrusive and damaging to the street scene. In that case, however, the Inspector identified a considerable amount of existing street furniture, including telephone boxes, communication cabinets, recycling bins, bicycle racks, bollards and road signs in addition to street trees. Moreover, the payphone was deemed to be out of alignment with any other items of street furniture. For these reasons, I do not find it to be directly comparable and in any event, I must assess the proposal on its individual merits.
30. Given the width of the existing footway, at approximately 6m, and the siting of the call box, I am also satisfied that it would not materially affect pedestrian movement along Grosvenor Road. Whilst the highway is subject to red route controls and on the cycle super highway, the call box would be sited approximately 4.4m back from the kerb edge so that it would be comfortably in excess of providing the minimum 2m clear footway expressed within the Pedestrian Comfort Guidance for London (2017) and the WWSPD (2011) as the minimum pedestrian clear zone. For these reasons, it would not represent an

³ Appeal ref: APP/X5990/A/12/2179023

obstruction to footpath users, and I do not consider that there would be any safety issues for pedestrians as a result.

31. I acknowledge that a representation has been received from a third party raising a concern that the call box would result in a proliferation of advertising. However, my consideration of the proposal is confined to matters of the siting and appearance of the proposal and not advertisement consent or any related issues.
32. I therefore find no harm with regard to the siting and appearance of the call box proposed in Appeal B in respect of the character and appearance of the area. It would also not be harmful to pedestrian safety.

Appeal C – 39 Wilton Road, London SW1V 1LJ

33. Within the vicinity of the appeal site, Wilton Road is characterised by mainly commercial buildings of a generous scale. The call box would be situated adjacent to the kerb side of the pavement, immediately to the south west of a glazed rotunda on the corner of Wilton Road as it curves round from Neathouse Place.
34. Situated just beyond the bend of this junction, the call box would be prominently sited on the approach into Wilton Road. Moreover, within the immediate locality of the appeal site, there is already a tree, a kiosk, a telecommunications cabinet, a CCTV pole and a lamppost within the pavement.
35. Whilst the proposal would, to a degree, align with this existing street furniture, there would be limited spacing between them. Consequently, the call box would appear incongruous and cramped within this context. It would therefore result in street clutter and a visually discordant street scene.
36. I acknowledge that there is some discrepancy between the appellant and the Council with regard to the overall footway width and the distance between the call box and the highway edge, particularly taking into account the curve of the building and a private forecourt. However, in the absence of any detailed evidence of the extent of the forecourt, from the information before me and my observations on site, the pavement width is sufficiently generous within the immediate vicinity of the call box. It would also be sited a reasonable distance from the nearby light controlled pedestrian crossing.
37. Furthermore, I have no plans before me to demonstrate that it would not achieve an unobstructed footpath width of not less than 2m. Having regard to the Streetscape Guidance (2017), PCG (2010) and the WW SPD (2011), I am therefore not persuaded that it would present an unacceptable obstacle to the free flow of pedestrian movement and pedestrian comfort on this part of Wilton Road.
38. Accordingly, whilst I find no harm to pedestrian safety, the proposal would, however, have a harmful effect on the street scene and consequently, on the character and appearance of the area.

Appeal D - 270 Vauxhall Bridge Road, London SW1V 1BB

39. Vauxhall Bridge Road is a wide thoroughfare adjoined by buildings in mainly commercial use of varying scales and architectural styles, both modern and contemporary. From my observations, it is a busy route, used frequently by buses and taxis as well as other vehicles.
40. The call box would be sited adjacent to the kerb side of the pavement in front of No 270 on the eastern side of the road. Travelling northwards along this side of Vauxhall Bridge Road, the pavement is typically approximately 4.2m wide but just as it reaches No 270 and up to the frontage of No 282 Vauxhall Bridge Road, it widens out to approximately 6.5m. The wide pavement along this stretch creates a predominantly open area. The call box would therefore be prominent within this context.
41. Furthermore, the call box would be sited in close proximity to a row of cycle racks, immediately to the north. From the appeal site, I also observed further cycle racks and railings across the road, telecommunication cabinets, bollards, litter bins, traffic lights, directional signs. The call box would be larger than these elements of street furniture and consequently, it would result in an impression of clutter and be visually obtrusive within the street scene.
42. Notwithstanding that the siting of the proposal would achieve an unobstructed footpath width of not less than 2m, recognised as the minimum pedestrian clear zone within both the TfL Streetscape Guidance (2017) and the WW SPD (2011), because the section of pavement in which it would be located broadens out at this point, I observed that it was utilised by pedestrians to take a more direct line to and from the nearby pedestrian crossing and across the road. In combination with the cycle racks within this part of the pavement, it would, in my view, introduce an obstruction and adversely affect pedestrian comfort levels in the immediate vicinity of the proposed call box, to the detriment of pedestrian safety.
43. Accordingly, the siting and appearance of the call box would harm the character and appearance of the area and its siting would also be detrimental to pedestrian safety.

Appeal E – Elizabeth Bridge, Victoria, London SW1V 4BJ

44. The part of Elizabeth Bridge upon which the appeal proposal would be sited crosses the railway lines running into Victoria Station. It is a one-way road that has the width of a two-lane carriageway extending over the railway with a generous footway to each side. It lies outside, but adjacent to the boundary of the Pimlico Conservation Area, being to the east of St Georges Drive.
45. The call box would be situated on the southern side of the bridge. It would be positioned to the right of an existing modern telephone box and it would be deeper in profile. However, it would be aligned with it to the extent that it would be sited at the back edge of the pavement. To this end, its siting would be consistent with the Council's Westminster Way SPD (2011) in so far as it relates to siting and appearance, in being located to the rear of the footway.

46. The call box would be positioned against a substantial red brick wall that forms the bridge parapet. Its height would extend above both the existing kiosk and the proposed call box so that it would, in my view, be the dominant feature in views towards them. Notwithstanding the proximity between the two kiosks, when seen against the backdrop of this high red brick wall, I consider that the proposal would not be unduly incongruous.
47. Furthermore, on this part of Elizabeth Bridge, with the exception of lampposts, a grit bin on the opposite side of the road, the immediate area is otherwise relatively free of street furniture. For this reason, I do not find it comparable to the appeal decision on Great Titchfield Street⁴ cited by the Council, where the Inspector identified a considerable amount of existing street furniture. In any event, I must assess the proposal on its individual merits. Consequently, the call box would not result in an unacceptable proliferation of street clutter.
48. I appreciate that the call box would be visible from within the adjacent Pimlico Conservation Area (CA). From my observations, the special character of the CA is derived principally from the cream stucco terraced housing set around garden squares, which provides a coherent townscape. However, the call box would be small-scale in relation to the wider CA townscape and set against the bridge parapet beyond the existing kiosk, such that it would not result in any harm to its setting. Consequently, the setting of the Conservation Area would be preserved.
49. The siting of the proposal would also maintain 5m clear to the kerb edge, which would exceed guidance within the Westminster Way SPD (2011) that a 2m minimum clearance width should be maintained on the public footway to ensure safe, free and convenient pedestrian movement. Coupled with its position against the parapet, it would not present an unacceptable obstacle to the free flow of pedestrian movement or pedestrian comfort.
50. I therefore find no harm with respect to the siting and appearance of the call box proposed in Appeal E nor do I find that it would harm the setting of the Pimlico CA. I therefore consider that it would cause no detriment to the character and appearance of the area nor would its siting be harmful to pedestrian safety.

Appeal F - Rampayne Street o/s Pimlico Station, Rampayne Street, London SW1V 2PU

51. Situated outside Pimlico Underground Station, the appeal site lies within a wide area of pavement between Rampayne Street and Bessborough Gardens. The station entrance sits at a higher level to the surrounding pavement so that there are a series of steps from the station forecourt towards Rampayne Street as well as a solid linear 'stone' partition.
52. The call box would be positioned adjacent to an existing kiosk. Within the surrounding pavement area there are also bollards along the kerb edge, a vertical directional signage panel, cycle racks and an underground pole sign. Within this context, the introduction of a further call box, which would be

⁴ Appeal ref: APP/X5990/A/12/2179023

deeper than the adjacent kiosk, would result in a cluster of street furniture and contribute to street clutter as a result. It would therefore detract from the wider street scene.

53. The call box would also lie outside but adjacent to the Lillington and Longmoor Gardens Conservation Area (CA), which, from the map of the CA provided by the Council and my observations on site, is characterised by its residential form, as an example of a planned housing estate. Whilst the call box would have a modern and functional appearance and be visible from the south-eastern edge of the CA, the estate is also contemporary and extensive, covering approximately 16 acres in total. Given the comparative scale of the proposal, I am not persuaded that it would materially harm the setting of the CA taken as a whole. I therefore consider that the setting of the CA would not be harmed and would be preserved.
54. Although not referred to within the Council's decision notice, its Officer Report highlights that the buildings on the opposite side of Rampayne Street are Grade II listed, being part of the estate. Whilst there would be some inter-visibility, the call box would be of limited scale in relation to these buildings and on the opposite side of the street. Consequently, coherent views of these buildings along Rampayne Street would not be unduly interrupted. I therefore consider that there would be no harm to the significance of the setting of these listed buildings. However, it does not affect the conclusion I have already reached in terms of harm to the street scene
55. There is some discrepancy between the appellant and the Council with regard to the overall footway width and the distance between the call box and the highway edge. It would nonetheless, achieve the preferred minimum unobstructed width of 2m within both the TfL Streetscape Guidance (2017) and WW SPD (2011). Even so, given the proximity to Pimlico Station in terms of pedestrian activity, I consider that the siting of the call box and its projection into the footway, in combination with existing street furniture, including the bollards, would result in an obstacle to pedestrian movement and would also be to the detriment of pedestrian comfort levels.
56. Accordingly, whilst I find that the setting of the Lillington and Longmoor Gardens CA and the nearby listed buildings would be preserved, I consider that the siting and appearance of the call box as proposed in Appeal F would have a harmful effect on the character and appearance of the area and its siting would raise issues of pedestrian safety.

Appeal G - 65 Vauxhall Bridge Road, London SW1V 2SW

57. Within the immediate vicinity of the appeal site, Vauxhall Bridge Road is a busy four-lane highway. It is bounded on its northern side by generously scaled mostly residential buildings of varied but traditional architectural styles within the Vincent Square CA, whilst development across the road comprises circa 1960s blocks of residential flats. Within the pavement along this southern side are trees set at broadly regular intervals.
58. The proposed call box would be sited at the back edge of the pavement set against railings and a landscaped verge in front of Noel Coward House. It would

be positioned adjacent to a tree on the other side of which is an existing kiosk. Given its proximity to this kiosk, in addition to the lampposts, street signs and bus stop adjacent to the kerb side to the north west that I also observed, the proposed call box would introduce a sense of clutter to the street, materially impacting upon its character and appearance.

59. I am not persuaded, however, that it would be harmful to the setting of the Vincent Square CA, the boundary of which lies opposite the appeal site. Whilst it would be visible as a modern functional structure from within the CA, the wide and busy carriageway along Vauxhall Bridge Road would provide a sufficient degree of separation between the call box and the buildings within the CA. Its setting would therefore be preserved. It does not, however, affect the conclusion I have already reached in terms of harm to the street scene
60. The appellant's evidence indicates that a minimum clear footway of greater than 2m recommended within the TfL Streetscape Guidance (2017) and the WW SPD (2011) would not be achieved, although it would meet the absolute minimum of 1m set out within the former document where there is an obstacle along a length of not more than 6m. Notwithstanding the guidance, from my observations on site, the pavement was well used. Consequently, the call box would reduce the width of the footway to the extent that it would impede the free flow of pedestrian movement and pedestrian comfort, causing harm to pedestrian safety.
61. I therefore consider that whilst the setting of the Vincent Square CA would be preserved, the siting and appearance of the proposed call box as proposed in Appeal G would cause harm to the character and appearance of the area and its siting would also be harmful to pedestrian safety.

Appeal H - 76 Buckingham Palace Road, London SW1W 9TQ

62. The proposed call box would be sited towards the kerb edge on the west side of Buckingham Palace Road in front of a modern office development at Belgrave House. It is a busy thoroughfare in close proximity to both Victoria Station and Victoria Coach Station as well as the Victoria Palace Shopping Centre. A long central pedestrian refuge separates the carriageway closest to the appeal site from the two/three lanes on the opposite site, which includes a dedicated bus stand/lane.
63. There is already an array of street furniture within the immediate locality, including a tree and a row of cycle racks immediately adjacent to the proposed call box as well as lampposts and litter bins nearby. The introduction of the call box of the scale and depth proposed in such close proximity would result in an incongruous cluster of street furniture. It would contribute to street clutter, thereby detracting from the character and appearance of the area.
64. I acknowledge that it would lie outside but adjacent to the Belgravia CA, the boundary of which is directly to the south. The CA includes the distinctive group of buildings to the south of Belgrave House, which are typical of the grand terraces that characterise the CA. However, the proposal would principally be seen against the modern office block that is Belgrave House and only obliquely in views towards the CA.

65. It would also lie outside but adjacent to the Grosvenor Gardens CA to the north. However, the boundary of this CA is beyond Lower Belgrave Street, which provides a reasonable separation distance to the appeal site and limited opportunity for views of the call box within the context of this CA, particularly given its very modest scale within the wider townscape. For these reasons, I consider that the settings of both the Belgravia and Grosvenor Garden CAs would be preserved. However, it does not affect the conclusion I have already reached in terms of harm to the street scene.
66. I recognise that the pavement within which the call box would be sited is reasonably wide at 5.2m such that a desirable clear footway comfortably in excess of 2m, a minimum pedestrian clear zone identified within the WW SPD (2011) would be maintained. However, as a busy commercial area, I observed high levels of pedestrian activity along the pavement and an evident desire line across the pavement within the vicinity of the appeal site towards the nearby crossing. The WW SPD (2011) also advises that in some busy areas, the clear zone may need to be more. Coupled with the closeness of the tree and cycle racks, the appeal proposal would introduce a further obstacle within the footway that would be of detriment to pedestrian flows and pedestrian comfort levels. It would therefore be harmful to pedestrian safety.
67. Accordingly, whilst I find that the settings of the Belgravia and Grosvenor Garden CAs would be preserved, I consider that the siting and appearance of the call box as proposed in Appeal H would have a harmful effect on the character and appearance of the area and its siting would raise issues of pedestrian safety.

Appeal I - 115 Buckingham Palace Road, London SW1W 9SJ

68. Situated on the east side of Buckingham Palace Road, the appeal site lies in front of Victoria Place, a retail complex adjacent to Victoria Station that presents a classical façade to the street with a glazed modern block behind. The area is commercial in character with the adjacent highway providing a busy thoroughfare for buses, taxis and other vehicles.
69. The call box would be located adjacent to the kerb side of the pavement in front of Victoria Place. It would be sited in close proximity to two existing telephone kiosks. Additionally, because part of the adjacent highway accommodates a bus stand, there are various bus signs on the lampposts along the road as well as bins and other general highway signage.
70. Whilst the call box would broadly align with the existing kiosk in being sited towards the kerb, it would project further into the pavement and combined with this existing level of street furniture, it would result in a street scene that would be visually congested and lead to a cluttered appearance. This would result in harm to the character and appearance of the area.
71. In its relationship to the setting of the Belgravia Conservation Area, the character of which is principally defined by grand residential terraces, the boundary of the CA is not directly opposite the appeal site but lies to the south-west. Given the scale of the proposal within the wider townscape, the separation provided by the width of the carriageway along Buckingham Palace

Road and the oblique relationship between the appeal site and the CA, I am satisfied that the proposal would preserve the settings of the Belgravia CA.

72. I recognise that the proposal would leave 5m clear to the kerb edge, which would exceed the TfL adopted guidelines and best practice on footpath accessibility that requires an unobstructed footpath width of no less than 2m, including guidance within the WW SPD (2011). However, from my observations on site, the pavement accommodates a heavy flow of pedestrians. Moreover, the call box would be sited almost in front of a café with associated comings and goings. Given the very close proximity to the café entrance and the existing kiosks, the introduction of a further call box would reduce the extent of unobstructed footway and it would consequently impact upon pedestrian flows and comfort levels, to the detriment of pedestrian safety.
73. Accordingly, whilst I find that the setting of the Belgravia CA would be preserved, I consider that the call box as proposed in Appeal I would have a harmful effect on the character and appearance of the area and its siting would raise issues of pedestrian safety.

Appeal J - 200 Buckingham Palace Road, London SW1W 9TJ

74. The proposed call box would be sited adjacent to the kerb in front of a large modern office block. The area is commercial in character. The wide four carriageway is aligned by generously scaled buildings of varying styles and a generous pavement is provided to each side of the road.
75. The call box would be sited outside No 200. The pavement is relatively wide at this point but narrows to the north to accommodate a bus lay-by. Within the immediate vicinity, street furniture is mainly limited to slim lampposts and a bin as well as some traffic signage. It has a sense of openness that positively contributes to the character and appearance of the pavement in this locality. Within this context, the call box is comparatively larger and bulkier, and it would consequently begin to draw the eye as an incongruous feature. Its proximity to the ramped access into No 200 would also result in an impression of clutter. This would be of detriment to the street scene.
76. It would also lie outside the boundary of the Belgravia Conservation Area, which 'touches' Buckingham Palace Road to both the north and south of the appeal site. In relation to the latter, the size of the call box in comparison to the large-scale buildings along the street would ensure that it would not draw the eye as an incongruous feature in the context of the wider CA. The boundary to the south is some distance, beyond Semley Place, which would provide a satisfactory degree of separation. Consequently, the setting of the Belgravia CA would be preserved. However, it does not affect the conclusion I have already reached in terms of harm to the street scene.
77. I appreciate that the pavement within the vicinity of the appeal site is relatively wide and I acknowledge the appellant's evidence that a clear footway zone of 4.8m would be achieved. However, this does not appear to account for the ramps and stairs to No. 200, which projects into the footway just to the south of the appeal site.

78. As pedestrians move northwards along Buckingham Palace Road, the pavement consequently narrows somewhat adjacent to the ramp. Even taking into account that a preferred minimum unobstructed footway width of 2m expressed within the WW SPD (2011) as well as the TfL adopted guidelines and best practice on footpath accessibility would be achieved, the call box would introduce a further obstacle within the pavement within close proximity to the ramp. I consider that this would be of detriment to pedestrian movement and levels of pedestrian comfort along this part of Buckingham Palace Road.
79. I therefore consider that whilst the setting of the Belgravia CA would be preserved, the siting and appearance of the call box as proposed in Appeal J would cause harm to the character and appearance of the area and its siting would also be harmful to pedestrian safety.

Appeal K - 151 Buckingham Palace Road, London SW1W 9SZ

80. Situated on the east side of Buckingham Palace Road, the appeal site lies in front of Colonnade Walk. This building presents a classical façade to the street with a modern development behind. The area is commercial in character with the adjacent highway providing a busy thoroughfare for buses, taxis and other vehicles.
81. The call box would be located adjacent to the kerb side of the pavement, just beyond the railings that adjoin the pedestrian crossing at the junction of Buckingham Palace Road with Elizabeth Bridge. Just to the south of the appeal site there is a telecommunications cabinet within the pavement, a lamppost with a road sign attached and a slim directional signage panel. Immediately in the other direction, I observed a kiosk, a bin, a lamppost and a bus shelter. Even though the proposal would have a similar alignment towards the kerb, the introduction of a further call box in proximity to these existing features would, in my view, result in an incongruous cluster of street furniture that would contribute to street clutter and consequently, detract from the street scene.
82. Directly opposite the site at 126-162 Buckingham Palace Road are a row of three to four storey Grade II listed buildings dating back to the late 19th Century, their special interest being derived principally from their external architectural detailing and symmetrical facades. They were built as houses, falling also within the boundary of the Belgravia Conservation Area, originally laid out as a fashionable residential area. Whilst the appeal site is close to these Listed Buildings and the CA with inter-visibility between them, the width and character of Buckingham Palace Road as a busy thoroughfare, provides a sufficient sense of separation. Taking into account the scale of the buildings that surround the appeal site, I am unconvinced that the call box would draw the eye away from these heritage assets as an incongruous feature. In this context, I consider that there would be no harm to the significance of the setting of these listed buildings or the Belgravia CA, which would be preserved.
83. I recognise that the footway clearance width would be approximately 2.3m, thus achieving a preferred minimum unobstructed footway width of 2m expressed within the WW SPD (2011) and the TfL adopted guidelines and best practice on footpath accessibility. However, from my site visit, I observed the

footway to be congested as a consequence of its proximity to bus stops, Victoria Coach Station and other facilities within the area. It would protrude further into the footway than the street furniture adjacent to it and consequently, its siting would impede the free flow of pedestrian movement and pedestrian comfort, causing harm to pedestrian safety.

84. I therefore consider that whilst the setting of the nearby Listed Buildings and Belgravia CA would be preserved, the siting and appearance of the call box as proposed in Appeal K would cause harm to the character and appearance of the area and its siting would also be harmful to pedestrian safety.

Appeal L - 203 Buckingham Palace Road, London SW1W 9TB

85. Within the vicinity of the appeal site, the townscape is characterised by the wide four-lane carriageway of Buckingham Palace Road and the large-scale buildings or varying styles and periods that align it. A pavement of modest width is provided on each side of the road.
86. The call box would be sited adjacent to the kerb side of the pavement in front of 203 Buckingham Palace Road, a modern building with a part colonnaded façade. It would be positioned in close proximity to an existing mature tree and within the immediate setting, there are lampposts, two cabinets set against the building, a directional road sign as well as the traffic lights and railings around the junction with Buckingham Palace Road, Ebury Bridge and Pimlico Road.
87. However, these items of street furniture are typically slim line or low level. In contrast, the call box would be relatively bulky and an incongruous feature as a result. Furthermore, as a consequence of its comparative projection within the pavement, it would also introduce a sense of clutter to the street, materially impacting upon its character and appearance.
88. I recognise that the appeal site would lie outside but adjacent to the Belgravia CA, the boundary of which lies to the south-west, at the intersection of Buckingham Palace Road, Ebury Bridge and Pimlico Road. The appeal proposal would be distanced from the CA by this busy highway junction, with its associated infrastructure. This would, in my view, limit direct inter-visibility between the appeal proposal and the CA and provide a sufficient level of separation to ensure that there would be no harm to the setting of the CA, which would be preserved.
89. I appreciate the Council's concern in relation to the street tree. However, I have nothing before me from either party to identify a root protection area. Nevertheless, from my observations on site, the tree's roots have not caused any disruption to the paving within its immediate vicinity and certainly not within the proposed location of the kiosk. I am therefore not persuaded, on the very limited evidence before me, that the installation of the proposal would result in loss or damage to this tree.
90. I recognise that there is some discrepancy between the appellant and the Council with regard to the overall footway width and the distance between the call box and the highway edge. It would, however, achieve the preferred minimum unobstructed width of 2m set out within the WW SPD (2011) and the

TfL Streetscape Guidance (2017) even if the minimum allowable clearance of 0.45m to the edge of the kerb would also be met, as per the plan annotation. From my observations, pedestrian flow within the locality of the appeal site was modest and pedestrians were able to move freely along the footway. I am therefore satisfied that there would be no material impact on pedestrian flows from the proposed siting of the call box and that pedestrian comfort levels would be maintained. Consequently, its siting would not be harmful to highway pedestrian safety.

91. Accordingly, I find that the setting of the Belgravia CA would be preserved and there would be no harm from the siting of the call box as proposed in Appeal L with regard to pedestrian safety. Its siting and appearance would, however, be harmful to the character and appearance of the area.

Other Matters

92. My attention has been drawn by the appellant to two other appeal decisions⁵. Whilst these relate to the installation of a payphone kiosk, one within a shopping area and the other in front of a block of flats, I do not have full details of these cases and I am therefore unable to determine whether the circumstances are analogous to those cases before me. In any event, I have determined these appeals on their individual merits based upon the evidence before me and my observations at the time of my site visit.

Conclusions

93. For the reasons given above, I have found that the appearance and siting of the call box in the case of appeal A would result in harm to the setting of listed buildings and to the Haymarket CA as a whole and the setting of the Regent Street CA, which would not be preserved. Accordingly, in this case, the proposal would conflict with Policies S25 and S28 of the Westminster City Plan (2016) and Policies DES1, DES9 and DES10 of the Westminster City Council UDP (2007) insofar as they seek to achieve a high standard of design that responds positively to local distinctiveness and which secures the preservation or enhancement of heritage assets and their setting.
94. Given the scale of the proposal, in the context of guidance within the Framework, the harm arising from this magnitude of development would be less than substantial. However, the Framework requires that this harm is weighed against the public benefits of the proposal. In this regard, I acknowledge that the kiosks would allow for inclusive public access, whilst their extensively glazed design would be conducive to surveillance and security. Their use of solar power for lighting would also represent an energy efficient solution. Furthermore, I recognise that the Government is committed to the expansion of the electronic communications network. However, the appellant has not set out a compelling case for the proposal on the grounds of specific locational need and I am not persuaded that the benefits would outweigh the less than substantial harm that is caused to the significance of the aforementioned heritage assets.

⁵ APP/X5210/A/12/2178982, APP/X5990/A/12/2187244

95. With regard to appeals E, F, G, H, I, J, K and L, I have found no harm to the relevant CA in which they are sited or the setting of a CA or to the setting of listed buildings. Accordingly, in those cases, there would not be conflict with the aforementioned policies.
96. In the cases of appeals A, C, D, F, G, H, I, J, K and L for the reasons given above, I have found that the appearance and siting of the call boxes would result in harm to the character and appearance of the area. Accordingly, in those cases the proposals would conflict with the Framework as well as Policies S25 and S28 of the Westminster City Plan (2016) and Policies DES1 and DES7 of the WCC UDP (2007), insofar as they seek to secure a high standard of design having regard to local distinctiveness and the character and quality of the existing townscape.
97. With regard to appeals B and E, I have found no harm to the character and appearance of the street scene. Accordingly, in those cases there would not be conflict with the aforementioned policies.
98. In the cases of appeals A, D, F, G, H, I, J, and K, for the reasons given above, I have found that the siting of the call boxes would result in harm to pedestrian movement. Accordingly, in those cases the proposals would conflict with the Framework as well as Policy S41 of the Westminster City Plan (2016), TRANS3 of the WCC UDP (2007), having regard also to guidance within the Westminster Way SPD (2011) as well as the Streetscape Guidance (2017) and PCG (2010), insofar as they seek to achieve a convenient, attractive and safe environment for pedestrians.
99. With regard to appeals B, C, E and L, I have found no harm to the movement of pedestrians. Accordingly, in those cases there would not be conflict with the aforementioned policies and guidance.
100. For the aforementioned reasons, I conclude that appeals A, C, D, F, G, H, I, J, K and L should be dismissed.
101. For the aforementioned reasons, I conclude that appeals B and E should be allowed, and prior approval should be granted. In these cases, the attention of the appellant is drawn to the conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.

Kate Mansell

INSPECTOR