
Appeal Decisions

Site visit made on 7 August 2019

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 23 August 2019

Appeal A Ref: APP/A5840/W/19/3224579

Public Highway outside of 2 Queens Road, London SE15 2PT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Maximus Networks Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref 18/AP/2609, dated 6 August 2018, was refused by notice dated 13 September 2018.
 - The development proposed is prior approval for the installation of a telephone kiosk.
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Appeal B Ref: APP/A5840/W/19/3224581

Public Highway outside of 525 Old Kent Road, London SE1 5EW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Maximus Networks Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref 18/AP/2610, dated 6 August 2018, was refused by notice dated 13 September 2018.
 - The development proposed is prior approval for the installation of a telephone kiosk.
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Appeal C Ref: APP/A5840/W/19/3224583

Public Highway outside of 5-9 East Dulwich Road, London SE22 9BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Maximus Networks Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref 18/AP/2611, dated 6 August 2018, was refused by notice dated 13 September 2018.
 - The development proposed is prior approval for the installation of a telephone kiosk.
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Appeal D Ref: APP/A5840/W/19/3224585

Public Highway at East Dulwich Road corner with Fenwick Road, London SE15 4HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Maximus Networks Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref 18/AP/2612, dated 6 August 2018, was refused by notice dated 13 September 2018.
 - The development proposed is prior approval for the installation of a telephone kiosk.
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Appeal E Ref: APP/A5840/W/19/3224586

Public Highway outside Lambrook House, Peckham High Street, London SE15 5EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Maximus Networks Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref 18/AP/2613, dated 6 August 2018, was refused by notice dated 19 September 2018.
 - The development proposed is prior approval for the installation of a telephone kiosk.
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Appeal F Ref: APP/A5840/W/19/3224587

Public Highway at Queens Road near junction with Burchell Road, London SE15 2QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3(1) and Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Maximus Networks Ltd against the decision of the Council of the London Borough of Southwark.
 - The application Ref 18/AP/2614, dated 6 August 2018, was refused by notice dated 19 September 2018.
 - The development proposed is prior approval for the installation of a telephone kiosk.
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Decisions

Appeal A Ref: APP/A5840/W/19/3224579

1. The appeal is dismissed.

Appeal B Ref: APP/A5840/W/19/3224581

2. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a telephone kiosk on the public highway outside of 525 Old Kent Road, London

SE1 5EW in accordance with the terms of the application Ref 18/AP/2610, dated 6 August 2018, and the plans/documents submitted with it.

Appeal C Ref: APP/A5840/W/19/3224583

3. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a telephone kiosk on the public highway outside of 5-9 East Dulwich Road, London SE22 9BD in accordance with the terms of the application Ref 18/AP/2611, dated 6 August 2018, and the plans/documents submitted with it.

Appeal D Ref: APP/A5840/W/19/3224585

4. The appeal is dismissed.

Appeal E Ref: APP/A5840/W/19/3224586

5. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a telephone kiosk at Public Highway outside Lambrook House, Peckham High Street, London SE15 5EG in accordance with the terms of the application Ref 18/AP/2613, dated 6 August 2018, and the plans/documents submitted with it.

Appeal F Ref: APP/A5840/W/19/3224587

6. The appeal is dismissed.

Procedural Matters

7. As set out above, there are six separate appeals for the installation of an electronic communications apparatus comprising a telephone kiosk pursuant to Class 16 of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO). Whilst each appeal relates to a different site, the proposed kiosks on the sites are identical. I have considered each proposal on its individual merits, but as they raise similar issues, the cases are dealt with in a single decision letter.
8. On 25 May 2019, the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 came into force, amending the GPDO. This amendment removes the permitted development right to install a public call box under Schedule 2, Part 16, Class A of the GPDO. However, transitional and saving provisions at Part 5 of the 2019 Regulations provide that where an appeal has been made within 6 months of the date of notice of refusal of a prior approval application submitted before 25 May 2019, the planning permission granted by Schedule 2, Part 16, Class A continues to have effect in relation to a public call box as if the amendments made to the GPDO by the 2019 Regulations had not been made. That is the case in respect of the six appeals before me.
9. As an electronic communications code operator, the appellant benefits from deemed planning permission for a proposed telephone kiosk under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) of the Town and Country Planning (General Permitted Development) Order 2015, subject to prior approval by the local planning authority of siting and appearance.

10. The provisions of the GPDO require the local planning authority to assess the proposed development solely upon the basis of its siting and appearance, taking into account any representations received. My determination of these appeals has been made on the same basis.
11. The High Court has considered the issue of the inclusion of advertising on public call boxes. A recent judgement in the Westminster case (Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd (2019) EWHC 176 (Admin)) considered the matter of dual purpose of advertisement display and telecommunications use.
12. This judgement confirmed 'that the whole development for which prior approval is sought must fall within the class relied on, and no part of it can fall outside it'. The judgement went on to state that a development falls outside the scope of Part 16, Class A if it is not 'for the purpose' of the operator's network. Thus, if the development is partly for some other purpose beyond that of the operator's network, it cannot be development 'for the purpose' of the operator's network precisely because it is for something else as well. In that case the proposed kiosk was for a dual purpose of advertisement display and telecommunications use and therefore contained features that were for advertising and 'not at all there for the telecommunications function'.
13. In the case of the appeals before me, I have taken into account the submitted Opinion of Counsel regarding this matter and the description of the proposed kiosks provided. It is apparent that the form and design of the proposed telecommunications apparatus is driven by its proposed functionality as a public call box. I have no evidence to suggest that the proposed development includes elements that are there for the purpose of advertising. Consequently, on the basis of the evidence provided in these appeals, I consider that the proposals are for the purpose of the operator's electronic communications network.
14. As the principle of development is established, considerations such as need for the telephone kiosks are not relevant matters. The Council determined that prior approval was required and refused.

Planning Policy

15. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

16. The main issues are:
 - The effect of the siting and appearance of the proposed kiosk on the character and appearance of the surrounding area (all Appeals).
 - The effect of the proposal on heritage assets (Appeal A only).

- The effect of the proposal on the delivery of accessibility improvements to the Old Kent Road (Appeal B only).

Reasons

17. The proposed kiosks are relatively simple, thin, freestanding structures with a canopy which serves as a shelter, and is made of the solar panels that will power the payphone. In addition, the widest faces of the call box incorporate photovoltaic glass to maximise the energy generating potential. LED lighting strips on the outside edges of the call box are included for safety purposes, solely to identify the edge of the structure on the pavement during hours of darkness and will be in a customisable contrasting colour. The submitted details indicate that the overall colour of the kiosk is customisable, but would typically be 'gun metal' grey or black, and will have a 'sheen' through the integral use of toughened glass and photovoltaic glass in the structure

Appeal A

Character and appearance

18. The appeal site is located on a relative wide and uncluttered area of pavement located between the junctions of Queens Road with Consort Road and Woods Road. The proposed kiosk would be positioned in relatively close proximity to the frontage of the Peckham Rooms Hotel which is Grade II Listed. The uncluttered nature of the pavement and space in front of the Peckham Rooms Hotel is simple and unified. It provides a spacious feel to this part of the urban landscape on the relatively heavily trafficked Queens Road and makes a positive contribution to the character and appearance of this part of the street.
19. The proposed kiosk would be located on an area of Queens Road that is largely devoid of street furniture. Given the wide nature of this part of the street, the presence of the kiosk would be quite noticeable to pedestrians and road users. The consequence of this is that proposed kiosk would appear as a prominent and intrusive feature that would be at odds with the prevailing open character of this part of the street. It would give the impression of adding harmful clutter to the area that would downgrade the quality of the public realm.
20. For these reasons, the siting and appearance of the proposed kiosk would cause unacceptable harm to the character and appearance of the surrounding area. The proposal would be contrary to Saved Policies 3.12 and 3.13 of the Southwark Plan 2007. These policies, amongst other things, require that developments should achieve a high quality urban design, enhance the quality of the built environment and avoid unnecessary clutter.

Heritage assets

21. Turning to the effect of the proposal on the adjacent Listed Building, section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering whether to grant permission for development which affects a listed building or its setting, special regard must be given to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses. Paragraph 193 of the National Planning Policy Framework also requires that great weight should be given to the conservation of heritage assets.

22. The Peckham Rooms Hotel is a part two and part three storey Georgian style brick building. Although some vegetation hides part of the front façade, nonetheless the building is noticeably distinct and visible in the more modern street scene. The uncluttered nature of the pavement in front of the building forms part of its setting in the street and assists in preserving the contribution that the building makes to the character of this part of the street.
23. The proposed kiosk of modern design with photovoltaic glazing would be inconsistent with the materials and Georgian style architecture of the listed building. It would appear as an anomalous feature in the relatively open area that forms a focal point around the frontage of the building.
24. The proposed kiosk would introduce an element of clutter in an otherwise relatively open footway along the frontage of the building. Due to the resulting prominence of the proposed kiosk, its siting close to the façade of the building and its inconsistency with the surrounding architecture, it would cause harm to the setting of the listed building and the context within which it is experienced. However, due to the small scale of the proposed development, this harm would be less than substantial.
25. Paragraph 196 of the Framework requires that where a development proposal would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal. Whilst the telephone kiosk would contribute to the provision of a telecommunications network, there is no substantive evidence before me that would indicate that there are notable deficiencies in public telecommunications provision within the area or any other public benefits that would outweigh the great weight that must be given to the conservation of the heritage assets.
26. I therefore conclude that the proposed kiosk would cause harm to the setting of the adjacent listed building which would therefore not be preserved. Therefore, in so far as they are material considerations, the proposal would be contrary to the conservation aims of Saved Policies 3.15 and 3.18 of the Southwark Plan 2007. These policies, amongst other things, require that development should preserve or enhance the special interest or historic character or appearance of buildings of historical or architectural significance. Furthermore, permission will not be granted for developments that would not preserve or enhance the immediate or wider setting of a listed building.

Conclusion

27. For the above reasons, based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Appeal B

Character and appearance

28. The appeal site comprises part of the relatively wide pavement to the front of the recently constructed Howson Court building. This part of the Old Kent Road comprises a mix of residential, retail and fast food outlets. Consequently, the area is relatively diverse in the construction style and age of nearby properties and has a number of illuminated advertisements.

29. The submitted drawings indicate that the proposed kiosk would be positioned approximately 0.45m from the kerb edge of the footway with the road which would enable approximately 5.2m of unobstructed footway to remain following its installation. Consequently, the wide character of the footway would remain.
30. The contemporary appearance of the kiosk would not be out of kilter with the modern commercial character of its surroundings. Given the width of the street and the scale of adjacent buildings the design and placement of the kiosk would assimilate with its surroundings, would not appear prominent and would not deplete the spacious character of the surrounding street scene to any material degree.
31. Whilst the proposed kiosk would undoubtedly add to the amount of structures in the area, there would be considerable separation distances between it and the adjacent street paraphernalia. This spacing combined with its lightweight appearance would avoid the impression of adding harmful clutter to the area.
32. Taking into account the above factors, the siting and appearance of the proposed kiosk would cause no material harm to the character and appearance of its surroundings. Consequently, the proposal would accord with the design and appearance aims of Saved Policies 3.12 and 3.13 of the Southwark Plan 2007.

Delivery of accessibility improvements

33. The Council indicates that the proposed kiosk would compromise the delivery of forthcoming highways, public transport, walking and cycling improvements to make the Old Kent Road corridor a 'Healthier Street'. However, no evidence has been provided in this appeal as to how the proposed development of a telephone kiosk would be specifically prejudicial to such improvements. Furthermore, I have no evidence whatsoever of the nature, implementation programme, intended works in the vicinity of the appeal site, or funding commitments sufficient to demonstrate a firm intent to deliver any such improvements.
34. In consideration of the issue of accessibility improvements, the Reasons for the Refusal of Prior Approval also refer to a conflict with the emerging policies of the Draft Old Kent Road Area Action Plan Further Preferred Option (2017). I have no evidence to indicate the current stage of this emerging plan in the plan making process and, in particular, whether it has been submitted for examination. Consequently, the weight that I attach to the provisions of this emerging plan is limited.
35. Furthermore, as identified above, I have no evidence to indicate how the proposed development would be in conflict with the provisions of such policies in relation to accessibility improvements. Therefore, I have no evidence to the define how the proposal would be contrary to any accessibility improvements relative to the policies contained within the existing or emerging development plans.
36. I have taken into account my findings above regarding the siting and appearance of the proposed kiosk, the small scale nature of the proposal and the fact that there would be approximately 5.2m of unobstructed footway remaining following its installation. Adequate provision would be maintained

for pedestrian movements and there are no existing public transport facilities that would be prejudiced by the proposal. Taking the above factors into account, I find that there are no sustainable planning reasons to conclude that the proposal would unreasonably compromise the potential delivery of any forthcoming accessibility and transport improvements.

37. There is no substantive evidence before me regarding any detailed proposals or the effect that these may have on the appeal site. I have therefore attached minimal weight to this matter and I have determined the appeal within the parameters of the GPDO. I am unable to identify any conflict with the policies identified by the Council in relation to such forthcoming improvements in so far as they are relevant to the determination of this appeal.

Other matters

38. I have taken into account the concerns of local residents regarding the potential of the proposed kiosk to contribute to anti-social behaviour and that there is no need for the development. With regard to anti-social behaviour, I have little evidence before me as to how the proposed kiosk would cause such impacts. The proposed location would be open to wide public surveillance. The design of the proposed kiosk with open sides and glass panels would also provide for natural surveillance within the kiosk itself. Taking these factors into account, I have no demonstrable evidence to suggest that its proposed siting would cause an increase in anti-social behaviour in the area.
39. Turning now to need, as the principle of development is established by virtue of the GPDO, consideration of the need for the telephone kiosk is not a relevant matter that I can take into account. Although both these matters identified by local residents have been carefully noted, they do not alter the main issues which have been identified as the basis for the determination of this appeal, particularly in circumstances where the Council has not objected to the appeal scheme for these other reasons.

Conditions

40. The Council has not suggested any other conditions in addition to the standard condition set out in Schedule 2, Part 16, paragraph A.2 of the GPDO and I consider that no additional conditions are necessary.

Conclusion

41. For the above reasons, and having taken all other matters raised into account, I conclude that the appeal should be allowed.

Appeal C

42. The appeal site comprises part of a relatively wide footway close to the vehicular egress of a small parade of retail units with a petrol filling station located to the east. Buildings in the vicinity are of a variety of design styles and construction ages. There are advertisement signs within the curtilages of these units and located in close proximity to the back edge of the footway. As such, the street scene is quite diverse in character.
43. The proposed kiosk would be located approximately 3m from the edge of the footway with the road and approximately 0.2m from the rear of the footway. It

would be sited close to an existing 'no entry' sign associated with the retail units. Given the proposed position of the kiosk, in visual terms it would appear as having more synergy with the character of the retail units than that of the pedestrian footway.

44. The contemporary appearance of the kiosk would not be out of kilter with the diverse commercial character of its surroundings. Given the proposed position of the kiosk and width and character of this part of the street, it would assimilate with its surroundings. As such, it would not appear prominent nor would it deplete the relatively spacious character of the surrounding footway to any material degree.
45. There are three more traditionally design telephone kiosks in the vicinity of the site. One to the north east, which the Council indicates is located approximately 53m away on the corner of East Dulwich Road and Fenwick Road, and two further kiosks located approximately 115 metres to the west of the appeal site.
46. Whilst the proposed kiosk would undoubtedly add to the amount of structures in the area, there would be considerable separation distances between it and the nearby existing kiosks. Furthermore, given the relationship of the proposed kiosk with the adjacent retail units, I do not consider that it would be viewed in the context of the existing kiosks in the locality. These factors, combined with its modern lightweight appearance, would avoid the impression of adding to harmful clutter to the area or causing an over proliferation of telecommunication structures in the locality.
47. Taking into account the above factors, the siting and appearance of the proposed kiosk would cause no material harm to the character and appearance of its surroundings. Consequently, the proposal would accord with design and appearance aims of Saved Policies 3.12 and 3.13 of the Southwark Plan 2007.

Conditions

48. The Council has not suggested any other conditions in addition to the standard condition set out in Schedule 2, Part 16, paragraph A.2 of the GPDO and I consider that no additional conditions are necessary.

Conclusion

49. For the above reasons, and having taken all other matters raised into account, I conclude that the appeal should be allowed.

Appeal D

50. The appeal site comprises part of the pavement at the junction between Fenwick Road and East Dulwich Road. The proposed kiosk would be on the eastern side of the junction in close proximity to two telecommunications boxes and to the west of the existing telephone kiosk. A bus stop and shelter are located to the east of the existing kiosk. All of these items of street furniture are collectively viewed in the context of the street scene in close proximity to the junction. As such, this part of the street already has a cluttered appearance.

51. The siting of the proposal would introduce a further element of clutter to the area. The resultant proliferation of street furniture and paraphernalia of various design styles would downgrade the quality of the public realm and unacceptably harm the character of this part of the street scene.
52. Taking these factors into account, the siting and appearance of the proposed kiosk would cause unacceptable harm to the character and appearance of the surrounding area. The proposal would therefore be contrary to Saved Policies 3.12 and 3.13 of the Southwark Plan 2007.

Conclusion

53. For the above reasons, based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Appeal E

54. The appeal site comprises part of the wide, expansive pedestrian footway to the front of six storey Lambrook House and on the south side of the heavily trafficked Peckham High Street. This part of the street has a number of items of street furniture, including an existing kiosk with advert, predominantly sited close to the edge of the footway with the road. The submitted drawings indicate that the proposed kiosk would be positioned approximately 0.45m from the kerb edge of the footway with the road which would enable approximately 11.2m of unobstructed footway to remain following its installation.
55. The contemporary appearance of the kiosk would not be out of kilter with the varied character of the large blocks of buildings on both sides of this wide street. Given the width of the street, the design and scale of the adjacent building and the proximity of a cluster of street furniture, the appearance and placement of the kiosk would assimilate with its surroundings and would not appear prominent. As such, it would not deplete the character of the surrounding street scene to any material degree.
56. Whilst the proposed kiosk would undoubtedly add to the amount of structures in the area, there would be an acceptable separation distance between it and the adjacent street paraphernalia and the buildings on the southern side of the street. The proposed siting of the kiosk would enable the spacious nature of the street to be maintained. This spacing combined with its lightweight appearance would avoid the impression of the kiosk adding harmful clutter to the area or causing an over proliferation of telecommunication structures in the locality.
57. Taking into account the above factors, the siting and appearance of the proposed kiosk would cause no material harm to the character and appearance of its surroundings. Consequently, the proposal would accord with design and appearance aims of Saved Policies 3.12 and 3.13 of the Southwark Plan 2007.

Conditions

58. The Council has not suggested any other conditions in addition to the standard condition set out Schedule 2, Part 16, paragraph A.2 of the GPDO and I consider that no additional conditions are necessary.

Conclusion

59. For the above reasons, and having taken all other matters raised into account, I conclude that the appeal should be allowed.

Appeal F

60. The appeal site comprises part of the pedestrian footway east of the junction of Burchell Road with Queens Road and located to the front of the Sonesta residential apartments. This part of the footway is relatively wide in the vicinity of the junction with Burchell Road but considerably narrows to the east. As such the footway in front of the Sonesta Apartments has a triangular appearance.

61. The submitted drawings indicate that the proposed kiosk would be positioned approximately 0.45m from the kerb edge of the footway with the road which would enable approximately 5.3m of unobstructed footway to remain following its installation. It would be sited close to an existing post box and telephone kiosk and would be positioned in close proximity to two street trees. All of these items of street furniture are collectively viewed in the context of the street scene on the triangular footway in front of the Sonesta Apartment building.

62. The siting of the proposal would introduce a further element of clutter to the tapering footway in front of the building. The resultant proliferation of street furniture and paraphernalia located in the relatively small area of triangular footway would downgrade the localised quality of the public realm and unacceptably harm the character of this part of the street scene.

63. Taking these factors into account, the siting and appearance of the proposed kiosk would cause unacceptable harm to the character and appearance of the surrounding area. The proposal would therefore be contrary to Saved Policies 3.12 and 3.13 of the Southwark Plan 2007.

Conclusion

64. For the above reasons, based on the evidence before me and all other matters raised, I conclude that the appeal should be dismissed.

Other considerations (all cases)

65. I have taken into account the benefits advanced by the appellant in favour of the proposed kiosks, including public benefits. However, these do not outweigh the harm associated with those proposals that I have found objectionable.

66. The appellant has referred to several appeal decisions regarding similar proposals for the installation of telephone kiosks. However, I have considered each proposal before me on its own individual merits and the specific circumstances and context of each case.

Overall Conclusions

67. The siting and appearance of appeal proposals A,D and F would harm the character and appearance of the local area contrary to Saved Policies 3.12 and 3.13 of the Southwark Plan 2007 in so far as the development plan is a material consideration.

68. Appeal proposal A would also harm the setting of a heritage asset. Whilst the harm to the heritage asset would be less than substantial there are no public benefits of sufficient extent to outweigh the great weight that should be given to the conservation of heritage assets. This proposal would also be contrary to the conservation aims of Saved Policies 3.15 and 3.18 of the Southwark Plan 2007 in so far as they are material to the determination of the appeal.
69. Appeal proposals B, C and E would not cause harm to the character and appearance of the local area and therefore do not conflict with any of the development plan policies referred to above in so far as they are material to the determination of those appeals. In addition, I do not find that Appeal B would be demonstrably prejudicial to any forthcoming accessibility improvements on the Old Kent Road.

Stephen Normington

INSPECTOR