
Appeal Decisions

Site visit made on 23 July 2019

by W Johnson BA(Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 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, Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO).
 - The appeals are made by Maximus Networks Ltd against the decision of the Council of the London Borough of Islington.
 - The development proposed in each case is described as a 'Call Box'.
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Appeal A – Appeal Ref: APP/V5570/W/18/3211443 17 Islington High Street, Islington, London N1 9LQ

- The application Ref P2018/0299/PRA, dated 24 January 2018, was refused by notice dated 16 March 2018.
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Appeal B – Appeal Ref: APP/V5570/W/18/3211445 21 Essex Road, Islington, London N1 2SA

- The application Ref P2018/0308/PRA, dated 24 January 2018, was refused by notice dated 16 March 2018.
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Appeal C – Appeal Ref: APP/V5570/W/18/3211448 4 Upper Street, Islington, London N1 0PQ

- The application Ref P2018/0303/PRA, dated 23 January 2018, was refused by notice dated 16 March 2018.
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Appeal D – Appeal Ref: APP/V5570/W/18/3211451 1 Pentonville Road adjacent to 1 Penton Rise, Islington, London WC1X 9EH

- The application Ref P2018/0310/PRA, dated 24 January 2018, was refused by notice dated 16 March 2018.
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Appeal E – Appeal Ref: APP/V5570/W/18/3211583 171 Essex Road, Islington, London N1 2DE

- The application Ref P2018/0279/PRA, dated 24 January 2018, was refused by notice dated 19 March 2018.
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Appeal F – Appeal Ref: APP/V5570/W/18/3211587 288 New North Road, Islington, London N1 8SU

- The application Ref P2018/0302/PRA, dated 24 January 2019, was refused by notice dated 19 March 2018.
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Appeal G – Appeal Ref: APP/V5570/W/18/3211589
200 Essex Road, Islington, London N1 3AP

- The application Ref P2018/0304/PRA, dated 24 January 2018, was refused by notice dated 19 March 2018.
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Appeal H – Appeal Ref: APP/V5570/W/18/3211591
23-24 Upper Street, Islington, London N1 0PQ

- The application Ref P2018/0283/PRA, dated 24 January 2018, was refused by notice dated 19 March 2018.
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Appeal I – Appeal Ref: APP/V5570/W/18/3211747
154 Pentonville Road, Islington, London N1 9JE

- The application Ref P2018/0298/PRA, dated 24 January 2018, was refused by notice dated 20 March 2018.
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Appeal J – Appeal Ref: APP/V5570/W/18/3211840
200 Pentonville Road, Islington, London N1 9JP

- The application Ref P2018/0300/PRA, dated 24 January 2018, was refused by notice dated 20 March 2018.
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Appeal K – Appeal Ref: APP/V5570/W/18/3211844
Kings Cross Road corner Lloyd Baker Street, Islington, London WC1X 9AA

- The application Ref P2018/0309/PRA, dated 24 January 2018, was refused by notice dated 20 March 2018.
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Appeal L – Appeal Ref: APP/V5570/W/18/3211846
7-21 Goswell Road, Islington, London EC1M 7AH

- The application Ref P2018/0301/PRA, dated 24 January 2018, was refused by notice dated 20 March 2018.
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Appeal M – Appeal Ref: APP/V5570/W/18/3211847
44-46 Upper Street, Islington, London N1 0PN

- The application Ref P2018/0282/PRA, dated 24 January 2018, was refused by notice dated 20 March 2018.
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Decision

1. All the appeals A-M inclusive are dismissed.

Procedural Matters

2. This appeal letter contains 13 appeal decisions as the appeal proposals are similar and to avoid unnecessary duplication and repetition. Nevertheless, they are independent of each other.
3. The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 came into force on 25 May 2019. It amended the GPDO, removing permitted development rights

for the installation of telephone boxes, amongst other things. However, this was subject to transitional and saving provisions, including that where a prior approval event occurs, the planning permission granted by Class A of Part 16 of Schedule 2 to the GPDO continues to have effect in relation to a public call box as if the amendments made to that Order by Part 2 of the above Regulations had not been made. A prior approval event includes, amongst other aspects, the giving of prior approval on or after 25 May 2019 in relation to an appeal which was lodged under section 78 of the Town and Country Planning Act 1990 within 6 months of the date of notice of refusal of a prior approval application submitted before 25 May 2019. I have therefore determined the appeals on this basis.

4. The provisions of the GPDO 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. The principle of development¹ and the need for the facilities are not issues within the scope of this appeal. I have made my determinations with regard to the siting and appearance of the proposed development in accordance with the GPDO.
5. The Council has referred to development plan policies and a Supplementary Planning Document² (SPD) in its reasons for refusal. Therefore, although not determinative, I have had regard to the design, character and appearance, conservation, amenity protection and transport aims of Policies DM2.1, DM2.3 and 8.2 of the Council's Local Plan Development Management Policies 2013, Policies CS5 and CS6 of the Core Strategy 2011 and the SPD as material considerations insofar as they are relevant to assessing the effect of the siting and appearance of the appeal proposals on the character and appearance of the area, designated heritage assets and the safe and efficient operation of the highway.
6. During the course of these appeals there has been a judgment³ which the main parties were given the opportunity to provide comments on the relevance of this judgment to their respective cases. Comments made have been taken into account during the determination of these appeals. I am satisfied that the proposals in each appeal listed above (the appeals) do not constitute a dual purpose, and the proposals are solely for the purpose of the operator's electronic communications network and as such would fall within the permitted development rights regime. In all of the appeals only the construction of the call box is being considered as the appellant is not seeking any advertisement consent, the appellant has referenced a further judgement⁴ in this respect to support their submission, which I note.
7. The Framework, supports high quality communications infrastructure, including applications for prior approval, and requires that local planning authorities must determine applications on planning grounds. However, since the

¹ Murrell v Secretary of State for Communities and Local Government and Broadland District Council [2010] EWCA Civ 1367

² Streetbook Supplementary Planning Document 2012

³ Westminster CC v SSHCLG & New World Payphones Ltd [2019] EWHC 176 (Admin)

⁴ Infocus Public Networks Limited v Secretary of State for communities and Local Government & the Mayor and Commonality of the Citizens of London (2010) Case ref: EWHC3309

submission of the appeals, the Government has published the revised National Planning Policy Framework (the Framework) on 19 February 2019, which forms a material consideration in the determination of the appeal. However, the changes have no material bearing to the main issues before the appeals.

8. In the case of appeals C, H, K and M, I have had regard to Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) that sets out in the exercise of planning functions with respect to any buildings or land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area.
9. Furthermore, where the appellant has referred to the benefits of the proposal, I have only taken these matters into account in respect of the appeals where heritage assets have been cited, as the Framework advises at paragraph 196, "Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal".
10. The appellant has made reference to technical guidance contained within the 'Pedestrian Comfort Guidance' produced by Transport for London (TfL) for London Streets, as well as the TfL Streetscape Guidance 2017 as an example of best practice, which I have noted.
11. Statements of Common Ground have been supplied by the appellant to support their submissions. However, as these documents have not been signed, I afford them only limited weight.
12. For clarity, on Appeal D, I have inserted "adjacent to" instead of the abbreviation, and on Appeal L, I have taken the postcode from the appeal form as they are in both instances more precise.

Main Issues

13. The main issues are:

- in all cases, the effect of the siting and appearance of each proposed call box on the character and appearance of the area; and,
- in the case of appeals B, C, D, E, I, J, K, L and M, the effect of the siting and appearance of each proposed call box on the safe and efficient operation of the highway.

Reasons

The call box

14. In each case the proposed call box would have an approximate footprint of 1125mm x 1325mm and would be approximately 2600mm high. It is acknowledged that the width of the call box is determined by the requirements of wheelchair accessibility. All call boxes would comprise of a steel frame of 3 sides providing an open front with clear panels. There would be a canopy that overhangs the call box, which would incorporate photovoltaic (PV) modules that would power the unit. The appearance and form of the call box would be

uncomplicated and functional in its design and there would be minimal street works required to install each call box. The proposed call boxes would be an accessible local community facility.

Appeal A - 17 Islington High Street

Character and appearance

15. The proposed call box would be sited outside a bank on a section of pavement that has a busy commercial character. The site is located where the pavement narrows due to the presence of a lay-by. The proposed development would be in line with other street furniture comprising a dual telephone box, street light with traffic sign and a street tree, with bicycle racks towards the junction of White Lion Street.
16. However, I find that the proposal would introduce a relatively tall and bulky structure. The proposal would be visually prominent, especially when walking towards White Lion Street. Additionally, due to the proximity of the other items located on the pavement, the proposed call box would create additional clutter, exacerbating the already visually congested appearance of the area surrounding the site. Therefore, due to its siting and appearance, the proposed call box would have a harmful effect upon the character and appearance of the street scene.

Appeal B - 21 Essex Road

Character and appearance

17. The area surrounding the site has a largely commercial character, but there is some residential development located in the vicinity. However, as it is located within the Angel Town Centre it has a vibrant and busy character with various eating / drinking establishments present with seating outside. The proposed call box would be positioned on the same line as existing street furniture in the locality such as a street light with associated traffic signs and street trees. Additionally, I note the presence of an existing kiosk and that the section of pavement around the site is used to store bins and place street signs.
18. I find that the site positively contributes to the current area of public realm that it forms part. The lack of items present on this section of pavement is notable. I find that the proposed call box would be prominent in its location and would erode the character of the street scene through its addition, alongside existing items already situated on the street. The the proposed call box, through its siting and design, would constitute visual clutter and so would detract from the character and appearance of the area.

Highway safety

19. Although, the call box would be readily seen when walking along the pavement, I find that it would impede pedestrians moving directly along the street. I saw the existing items located on the pavement, and although some were temporary, such as the signs and bins, they still amounted to obstacles. Therefore, the call box, due to its size and footprint would amount to a further addition to the existing street items, exacerbating the existing conditions and

forming a significant impediment to the free movement of pedestrians along the footway.

Appeal C - 4 Upper Street

Character and appearance

20. The site is located on a raised section of the pavement, in The Angel Conservation Area (ACA) which then steps down to a lower section of pavement adjacent to the road. There is a notable concentration of items on the street towards Liverpool Road, comprising street trees, street lighting, 2 traditional styled phone boxes, telecommunication cabinets, bicycle racks, litter bins and a retail cabin, amongst other things. However, there was a notable absence of street furniture between the appeal site and the slopes to the lower level bus stops.
21. I find that this area of uncluttered and open space provides significant visual relief in this part of the public realm, which the appeal site would encroach upon, albeit marginally. Nevertheless, the proposal would still be located prominently in this space and would significantly harm the character and appearance of the area through the reduction in the sense of openness surrounding the site. In accordance with the Framework, I find this harm to be less than substantial. In such circumstances, the less than substantial harm should be weighed against the public benefits. However, the extent of the benefits of the call box, would be modest based on the development and its use, and therefore does not outweigh the significant weight given to the conservation of the designated heritage asset. Furthermore, the proposal fails to accord with the Act.

Highway safety

22. Although, the position of the call box would be adjacent to an existing street light, it would still interfere with a marked desire line for pedestrians walking along this section of pavement, especially when travelling from Liverpool Road to the nearby bus stops. Therefore, the call box, due to its size and footprint would form a significant impediment to the free movement of pedestrians along the footway.

Appeal D - 1 Pentonville Road adjacent to 1 Penton Rise

Character and appearance

23. The call box would be located in line with the street trees but would be close to the junction of Penton Rise and highly visible as a result. I noted various items of street furniture present on the section of pavement that incorporates the site, including street lighting, traffic signs / signals and a digital traffic information display. The character of the area surrounding the site is mixed, with residential, commercial and retail units in the locality. However, in the immediate vicinity of the site, I find that the proposal would be read alongside the adjacent residential development and the railings on its boundary.
24. Whilst there are a number of items located on the street in the vicinity of the site, they do not appear overly prominent. In the context of the proposal and

the site, I find that the call box would appear significantly larger in terms of its bulk and massing compared to the existing items present, thus making it more apparent in the street scene. Additionally, due to the number of items located on the section of pavement that incorporates the site, I find that the proposal would through its addition create visual clutter. Therefore, due to its size and prominent position, the call box would be discordant and obtrusive in the street scene and would detract from the character and appearance of the area.

Highway safety

25. During my mid-morning visit on a week day I found the location of the site is not subject to significant footfall, although I appreciate that this is only a snap shot in time. Although, I note that the site is close to the existing pedestrian crossings at the nearby junction, I do not find that the call box would be highly likely to impair the free flow of pedestrian movement in this location, nor do I consider that it would create a visual obstruction that would hinder inter-visibility between pedestrians crossing the road and drivers. In the absence of any evidence to the contrary I consider that the proposal would not create any significant highway safety issues.

Appeal E - 171 Essex Road

Character and appearance

26. The site is located within a mixed area with residential and commercial properties present, which also includes the Essex Road railway station (the station) on the corner of Essex Road and Canonbury Road. On the section of pavement between River Place and the junction with Canonbury Road there is various items of street furniture along the pavement edge such as traffic signs, bicycle racks, street lighting and a litter bin. Close to the River Place road junction are bollards and traffic signals. Additionally, there is a large street tree outside the station.
27. This section of pavement also incorporates seating and planters as part of the River Place Health Centre (RPHC) and a small retail unit that uses part of the pavement to display items for sale. Additionally, the street was used for parking a number of rental bicycles. I find that the area already has a cluttered appearance due to the presence of other street furniture and items located on this section of the pavement. Whilst the call box would be positioned towards the outer edge of the pavement, in line with other permanent items, its height and massing would be highly conspicuous within this part of the pavement compared to the minimal massing of adjacent items. Additionally, I find that the proposal would through its addition to this section of the street, exacerbating the existing level of visual clutter already present. Therefore, due to its size and prominent position, the siting and appearance of the call box would harm the character and appearance of the area.

Highway safety

28. The surrounding area experiences heavy footfall given its proximity to the station, RPHC and nearby road junctions. I note that the overall footway is relatively wide in the location of the site and it would be in line with the bicycle

racks, traffic signs and street lighting. However, I find that it would be an impediment to the main pedestrian flows along the street due to the other items located on the pavement such as the rental bicycles and items associated with the existing retail unit. Additionally, at the time of my visit, I noted at a litter bin was located on the appeal site. Therefore, on the evidence before me, I find that the proposed call box would not distract passing motorists but would be highly likely to impair the free flow of pedestrian movement in this section of pavement to the detriment of highway safety.

Appeal F - 288 New North Road

Character and appearance

29. The proposed call box would stand towards the outer edge of the pavement, where there is a notable absence of street furniture along this section of the street. I acknowledge that there are traffic signals / signs towards the junction of Ecclesbourne Road and an older style, enclosed telephone box and a street light close to the site. However, although the proposed call box would be located a short distance from these objects, the lack of items immediately surrounding the site positively contributes to the visual amenities to this section of the street. I find that the proposal would be read alongside the adjacent apartment blocks, in particular their low brick boundary walls with planting behind. Accordingly, the proposal would be unduly prominent and would appear discordant and harmful to the street scene as a result.

Appeal G - 200 Essex Road

Character and appearance

30. The site of the proposed call box is located on a section of pavement that separates the main carriageway and an access road with parking (the access road) to the parade of shops and services. This creates the characteristics of a boulevard, especially as the central paved area is lined with trees. There is a continuous line of bollards between the paved area and the access road and a variety of other examples of street furniture such as a bus stop, telecommunication cabinet, post box, street lighting and traffic signs. Near the appeal site are traffic signals, pavement barriers, a bench, 2 no. telephone boxes, both more traditional in their design, a digital display and bicycle racks.
31. The proposed call box would be located between an existing telephone box and a street tree. I find that this gap on the pavement is modest and the addition of the proposal create would create an unduly cluttered appearance through the concentration of items on this section of the street. The proposed call box through its bulky appearance, in proximity to an existing telephone box and street tree would therefore have a harmful effect on the character and appearance of the area through the further erosion of an already limited space on the street.

Appeal H - 23-24 Upper Street

Character and appearance

32. The appeal site is located on an area of pavement within the ACA. The appeal site would be located in line with 2 no. existing telephone boxes that comprises a traditional 'red' telephone box and a kiosk more modern in design that has an advertising panel sited on it.
33. The section of pavement in the location of the site is raised from the road, where slopes and steps are integrated into the public realm to provide access to the lower bus stops. The pavement narrows in this section due to the slopes that provide access to the bus stops which are in turn enclosed by a series of wrought iron railings. This section of pavement is modest in length and whilst it does not create a pinch point in the footway, I find that the proposed call box as proposed would be an excessive feature in this location, given the 2no. telephone boxes already present. Therefore, due to its size and prominent position, the siting and appearance of the call box would harm the character and appearance of the ACA.
34. In accordance with the Framework, I find this harm to be less than substantial. In such circumstances, the less than substantial harm should be weighed against the public benefits. However, the extent of the benefits of the call box, would be modest based on the development and its use, and therefore does not outweigh the significant weight given to the conservation of the designated heritage asset. Furthermore, the proposal fails to accord with the Act.

Appeal I - 154 Pentonville Road

Character and appearance

35. The site is located on a section of pavement that is close to the junction of Penton Rise. Due to the road network in the proximity of the site and the car park to the residential estate behind the railings to the rear of the footway, a triangular area of public realm is formed. In this area are a variety of items comprising the street furniture, such as traffic signs / signals, bollards and a traditional telephone box and street lighting. Mature street trees are lined adjacent to the railings along Pentonville Road and return along Penton Rise.
36. Beyond the existing telephone box there is a notable reduction in street furniture towards the bus stop, apart from street lighting. This forms an important and positive feature in the character and appearance of this section of the street scene, which includes the concierge entrance to the Weston Rise Estate. Although the proposal would be located close to the existing telephone box, I find that the proposal would create an unduly cluttered appearance in this section of the street and would detract from the largely open and orderly pattern within the wider street scene.

Highway safety

37. The kiosk would be located within the middle of the pavement. Although there is an existing telephone box located on the pavement, the proposal would be located marginally closer to the carriageway. The call box would be beyond the

pedestrian crossing area and would likely not impede pedestrians using this crossing, give rise to conflict with drivers on the highway or distract drivers using the carriageway. The position of the call box would be so that pedestrians would still have the ability to pass either side of it, therefore not obstructing pedestrian flows. I noted during my mid-morning visit a low footfall, and whilst I accept that this is only a snap shot in time, I find that in the absence of any evidence to the contrary the proposal would not be harmful to highway safety.

Appeal J - 200 Pentonville Road

Character and appearance

38. The site of the proposed call box is located in an area that is characterised by commercial properties, but also has student accommodation located in the vicinity of the site. The site is located on a relatively wide pavement that has majority of its street furniture located centrally, along with a series of street trees positioned at regular intervals. In addition to street lighting and bollards at the junction of Killick Street there are a number of bicycle racks in the vicinity of the site. However, since the submission of the proposal additional bicycle racks would appear to have been installed between the site and the street tree.
39. The proposed call box would be very close to the bicycle racks and would occupy a modest space between the recently installed bicycle racks and a number of additional bicycle racks sited towards Killick Street. Consequently, I find that the proposal would be an excessive feature in this location, given the large number of bicycle racks already present. Furthermore, the limited gap between the bicycle racks positively contributes to the visual amenities on this section of the street. The addition of the call box would further erode this gap to the detriment of the character and appearance of the area.

Highway safety

40. The open space around the site affords pedestrians a natural crossing point to access the adjacent retail premises, which is relatively free from negotiating street furniture that is present along the centre of the pavement. The proposed call box would be positioned along the natural flows of pedestrians through this space creating a barrier with the adjacent bicycle racks. Although, I do not consider that the proposal would distract passing motorists, in this position and given the notable amount of footfall in the area, the proposed call box would form a significant impediment to the safe movement of pedestrians.

Appeal K - Kings Cross Road corner Lloyd Baker Street

Character and appearance

41. The appeal site is located on an area of pavement within the New River Conservation Area (NRCA). The appeal site would be sited alongside an area of landscaping for the adjacent building. Although the adjacent building and landscaping was enclosed by hoarding due to construction work taking place, only the building was shrouded. In the absence of any evidence to the contrary, I have dealt with the appeal on this basis. Whilst the adjacent site

was enclosed by hoardings, it was still possible to assess the street scene and the amount of pavement in this area.

42. There is limited street furniture on this section of pavement, which amounts to street lighting, traffic signs / signals and telecommunication apparatus. However, a notable number of rental bicycles were sited close to the pavement edge with Kings Cross Road. The adjacent semi-circular boundary and landscaping behind would result in the proposed call box being located in an exposed and discordant position on the pavement. Due to its size and location, the proposal would form an incongruous feature which would detract from the open character of the street scene and this part of the NRCA.
43. In accordance with the Framework, I find this harm to be less than substantial. In such circumstances, the less than substantial harm should be weighed against the public benefits. However, the extent of the benefits of the call box, would be modest based on the development and its use, and therefore does not outweigh the significant weight given to the conservation of the designated heritage asset. Furthermore, the proposal fails to accord with the Act.

Highway safety

44. Although, there was hoarding present at the adjacent site, I was able to assess the available pavement width due to recesses in the hoarding to enable access to manholes and telecommunications equipment on the pavement. I saw that the position of the proposed call box and find that the site would represent an inconvenience for pedestrians walking along this section of pavement, especially for pedestrians walking between Lloyd Baker Street and Margery Street, due to it being sited on the desired line for walking. I do not consider that the proposal would distract passing motorists. However, whilst noting that the rental bicycles are not permanent features, the proposed call box, due to its size and footprint would still form a significant impediment to the free movement of pedestrians along the footway.

Appeal L - 7-21 Goswell Road

Character and appearance

45. The location of the proposed call box would be close to the pavement edge. The pavement incorporating the site has little street furniture present. Surrounding the site, the street furniture in the vicinity comprises street lighting, traffic signs, telecommunications apparatus and litter bins. I also note the outside seating area at the adjacent eatery. However, I find that the addition of the proposed call box in this location would form an incongruous feature. Due to the discordant appearance of the call box, it would have an adverse visual effect on this section of pavement through its design and disproportionate scale. Thus, the call box would have a significant detrimental impact on the character and appearance of its surroundings.

Highway safety

46. The proposed call box would be located on the opposite side of the pavement to the outside seating area of the adjacent property. This property appears to

have changed its use at ground floor since the submission of the application. The site would be close to the entrance of this establishment and would directly face a selection of tables and chairs sited to the rear of the pavement. A street sign associated with the premises was also present on the pavement close to the site during my visit. Additionally, the site would be close to an established taxi rank, which I was able to observe.

47. I found on my site visit that the pavement incorporating the site experienced notable footfall, and regular comings and goings from the taxi rank. Additionally, I noted that some of the outside chairs to the adjacent eatery were sited on the pavement during occupation, along with the street sign. Given the existing conditions surrounding the site, I find that the proposed call box would create a pinch point in the pavement. Whilst I do not consider that the proposal would distract motorists using the road, the call box, due to its size and footprint would form a significant impediment to the free movement of pedestrians along this section of pavement.

Appeal M - 44-46 Upper Street

Character and appearance

48. The appeal site is located on an area of pavement within the ACA. The appeal site would be located in line with an existing traditional 'red' telephone box, along with other street furniture comprising a litter bin, bicycle racks, telecommunication apparatus, street lighting and a street tree. When viewing the site from the road there is additional items on the street to the left of the tree and towards the Berners Road junction, comprising 2 no. telephone boxes, traffic signs / signals, amongst other things.
49. The section of pavement in the location of the site is elevated with a small number of steps down to the road. The proposed call box would be sited outside a public house where there is currently a modest length of pavement without any street furniture present, between the traditional telephone box and the bicycle racks. I find that the proposed call box as proposed would be an excessive feature in this location, given the amount of street furniture already present, creating visual clutter. Therefore, due to its size and prominent position, the siting and appearance of the call box would harm the character and appearance of the ACA.
50. In accordance with the Framework, I find this harm to be less than substantial. In such circumstances, the less than substantial harm should be weighed against the public benefits. However, the extent of the benefits of the call box, would be modest based on the development and its use, and therefore does not outweigh the significant weight given to the conservation of the designated heritage asset. Furthermore, the proposal fails to accord with the Act.

Highway safety

51. The proposed call box would be located in line with the other items of street furniture. Although, the proposal would reduce the size of the gap between the telephone box and the bicycle racks it would still allow for pedestrians to filter through to the road and largely ensures the main route for pedestrians remains

unaffected. Due to the presence of the existing street furniture and the distance from the traffic signals and pedestrian crossing, I do not find that the proposal would likely form a significant distraction to motorists using the carriageway. I find that in the absence of any evidence to the contrary the proposal would not be harmful to highway safety.

Other Matters

52. I have had regard to various appeal decisions⁵ referred to me by both parties relating to proposals in London, although only the prior approval appeals are of relevance in this instance. However, relatively little detail has been provided regarding the particular planning backgrounds to these schemes and I do not know what evidence was before the Inspectors at the time of their decisions. Consequently, I cannot be sure that these are entirely representative of the circumstances in the appeals before me. In any event all appeals are judged on their own individual merits and where appropriate the relevant legislative provisions. Accordingly, that is how I have assessed this appeal scheme.
53. I have had regard to a range of issues raised by third parties, but not limited to the following: desirability, cost of use, effect on neighbouring businesses, vandalism and anti-social behaviour, amongst other things. However, I find the scheme to be unacceptable for the reasons already identified.
54. I am aware of the appellant's frustrations at the manner in which the applications have been dealt with. However, this has no bearing on the determination of the current appeals which are being determined on their own merits.

Conclusions

55. With regard to the first main issue, for the reasons given, in all cases I conclude that the siting and appearance of each proposed call box would have a harmful effect on the character and appearance of the area. Additionally, in the case of appeals C, H, K and M, I conclude that the appeal proposals would fail to preserve the character and appearance of the ACA and the NRCA respectively. The social and environmental benefits of the appeal proposals identified by the appellant do not amount to public benefits which convincingly outweigh the harm to the heritage assets.
56. In relation to the second main issue, for the reasons given, I conclude that, in the case of appeals B, C, E, J, K, and L, the siting and appearance of the proposed telephone kiosks would have a harmful effect on the safe and efficient operation of the highway.
57. For the reasons set out above, I conclude that appeals A-M should be dismissed.

W Johnson

INSPECTOR

⁵ APP/X5210/A/12/2178982; APP/X5990/A/12/2187244; APP/V5770/W/18/3204082 (Lead appeal); APP/V5570/W/18/3209577 and APP/V5570/H/18/3209473