



Appeal Decisions

Site visit made on 5 August 2018

by Roy Curnow MA BSC(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st October 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) Order 2015 (as amended).
 - The appeals are made by Maximus Networks Ltd against the decision of the London Borough of Lambeth.
 - The development proposed in each case is call box.
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Appeal A Ref: APP/N5660/W/18/3212495 **Outside 102-107 Waterloo Road, London SE1 8UL**

- The application Ref 18/00620/G24, dated 31 January 2018, was refused by notice dated 3 April 2018.
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Appeal B Ref: APP/N5660/W/18/3212510 **Outside 83-101 The Cut, London SE1 8LL**

- The application Ref 18/00619/G24, dated 31 January 2018, was refused by notice dated 3 April 2018.
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Appeal C Ref: APP/N5660/W/18/3212639 **Outside 157 Waterloo Road, London SE1 8XA**

- The application Ref 18/00623/G24, dated 31 January 2018, was refused by notice dated 4 April 2018.
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Appeal D Ref: APP/N5660/W/18/3212887 **Adj 54 Kennington Road, Kennington, London SE1 7BJ**

- The application Ref 18/00641/G24, dated 31 January 2018, was refused by notice dated 4 April 2018.
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Appeal E Ref: APP/N5660/W/18/3212890 **66 The Cut, London SE1 8LX**

- The application Ref 18/00622/G24, dated 31 January 2018, was refused by notice dated 4 April 2018.
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Appeal F Ref: APP/N5660/W/18/3212899

Baylis Road, Opposite Matheson House, Baylis Road, London SE1 7RP

- The application Ref 18/00644/G24, dated 31 January 2018, was refused by notice dated 4 April 2018.
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Appeal G Ref: APP/N5660/W/18/3212908

31 Baylis Road, London SE1 7RH

- The application Ref 18/00624/G24, dated 31 January 2018, was refused by notice dated 4 April 2018
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Appeal H Ref: APP/N5660/W/18/3212933

Westminster Bridge Road Opposite Morley College, Westminster Bridge Road, London SE1 7RU

- The application Ref 18/00625/G24, dated 31 January 2018, was refused by notice dated 4 April 2018.
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Appeal I Ref: APP/N5660/W/18/3213333

Adj 61 Westminster Bridge Road, London SE1 7HT

- The application Ref 18/00663/G24, dated 31 January 2018, was refused by notice dated 5 April 2018.
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Decisions

1. Appeals A to I are dismissed.

Procedural Matters

2. In each appeal the description of the proposed development differs in the same manner between the application form, Council decision notice and appeal form. Although brief, the description on the application forms adequately describes what is proposed and, therefore, I have used this in my banner heading, above.
3. The addresses for Appeals A, B and C began with the words 'Telephone Kiosk'. As this is what is proposed, rather than part of those addresses, I have omitted these words.
4. The provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 as amended, (GPDO), under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received. My determination of this appeal has been made on the same basis. Therefore, whilst the appellant has referred to the purported benefits of the proposed call boxes, I have not taken these matters into account.

5. A court judgement¹ held 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. If the whole of the proposal is not "for the purpose" of the operator's network, it cannot be said that the whole falls within the GPDO. If the proposal is not solely for the purpose of the operator's network, it therefore falls outside of the GPDO and prior approval cannot be granted.
6. From my assessment of the proposed design of the call boxes and the evidence before me, I am of the view that they do not constitute a dual purpose. They are solely for the purpose of the operator's electronic communications network and as such fall within the permitted development rights regime. In all these appeals, only the installation of the call boxes is being considered and the appellant is not seeking advertisement consent for any of the appeal proposals.
7. The Council has referred to development plan policies in its reasons for refusal. However, applications for prior approval are determined in relation to the criteria set out within the GPDO and as such do not require regard to be had to the development plan. Although not determinative, I have had regard to Policies T1, T2, T6, T10, Q5, Q6, Q20, Q22 and Q23 of the Lambeth Local Plan, adopted September 2015, as material considerations, insofar as they are relevant to siting and appearance.
8. The revised National Planning Policy Framework (the Framework) was updated in 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 such as to prejudice either of the main parties by taking it into account as a material consideration.
9. As permission has already been granted for the proposed kiosk, under the terms of Article 3(1) of the GPDO, the statutory duty under S66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the setting of a listed building, does not apply to applications for prior approval.
10. However, the terms of chapter 16 of the National Planning Policy Framework (the Framework) are material. Its paragraph 200 sets out that that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, heritage assets should be treated favourably. This is a matter to which I attach considerable importance and weight.
11. Both main parties have referred to Transport for London's Pedestrian Comfort Guide in their submissions. I have had regard to this in my decision-making insofar as they are relevant to matters of siting and appearance.

Preliminary Matters

12. The appellant has referred to appeal decisions regarding sites at Tottenham Court Road and Harrow Road in each of its appeals. I have taken these into

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

account, but give them limited weight as each of my decisions relates to the site-specific nature of the individual proposal.

Main Issues

13. In all cases the main issues are:

- the effect of the siting and appearance on the character and appearance of the area; and
- The effect of the siting and appearance on the safe and efficient use of the highway.

Reasons

Proposed Call Boxes

14. In each case, the proposed call box would be largely open. The main 'wall' of its frame, which would support the telephone, would measure 1.325m wide, and would be flanked by two return 'walls' of 0.55m depth. It would be covered by a roof that would extend from the main wall out, over and beyond the flank walls for a distance of 1.125m. It would have an opening panel in the rear of its main wall, the purpose of which has not been defined. Its overall height, from pavement level, would be 2.6m. It would have a utilitarian appearance.

Appeal A - Outside 102-107 Waterloo Road, London SE1 8XA

Character and Appearance

15. Waterloo Road is part of the A301 which, at this point, is a very busy thoroughfare linking South London with Central London via nearby Waterloo Bridge. The appeal site lies on the footway on the eastern side of the road. A multi-storeyed building with commercial premises, including a local supermarket, at ground floor level and offices above lies at the back of the footway. One of the country's busiest railway stations, Waterloo, lies on the opposite side of the road.
16. The footway, which is not particularly wide, was extremely busy at the time of my visit in the morning. I saw the site later in the evening when it was still busy which, given its location, was unsurprising.
17. There are telephone boxes, bus stops, bicycle stands, street lights, street signage and waste bins along the footway in close proximity to the site. The large number of items of street furniture, allied to its relative narrowness, gives the footway a very cluttered appearance.
18. It is proposed to site the call box in an area close to the kerb in a gap between the bus stop and bicycle stands. Although not very long, this gap provides valuable breathing space in the street scene. Using part of this gap for the call box would add to an already very congested and cluttered piece of townscape in a manner that would be detrimental to its character and appearance.

19. Given its utilitarian appearance, which would not be considered alien to this busy city street scene, the appearance of the proposed call box would be entirely acceptable in this location.
20. The boundary of the Lower Marsh Conservation Area (LMCA) lies across Waterloo Road. The closest building to the site within the LMCA is 150 Waterloo Road, a Grade II listed building. This former London County Council Fire Station is a striking building that adds greatly to the street scene. Both are designated heritage assets.
21. Both assets are clearly seen from the site, which lies within their settings. However, given the relatively small size of the proposed call box, its distance from the assets and the very busy nature of the intervening street scene, neither setting would be adversely affected by the proposed development.
22. My finding on this main issue is that, although there would be no harm to the settings of the LMCA or 150 Waterloo Road, I find that the siting of the proposed call box would lead to an increase in clutter on the footway that would harm the character and appearance of the area.

Use of the Highway

23. At my site visit, I saw the manner in which the gap between street furniture allowed people to overtake others. It seemed particularly beneficial to people with pushchairs or mobility scooters, as they were able to gain some respite from the more crowded areas where the footway was narrowed by street furniture. People moving more quickly along the footway could pass other users here without either party being forced to change direction or come uncomfortably close to street furniture.
24. These benefits would be markedly reduced through the installation of the proposed call box. It would have a significantly adverse effect on the safe and efficient use of the footway. In reaching this position, I have considered the evidence put forward by the appellant, in its Appendix 8. However, I do not agree that the photograph that this included, which was taken at a time of day when there were very few pedestrians in the vicinity of the site, nor the presence of existing street furniture provides evidence to show that there would be no material worsening of the existing pedestrian environment.
25. My finding on this main issue is that the siting of the proposed call box would have an adverse effect on the safe and efficient use of the highway.

Conclusion on Appeal A

26. For the reasons given, the siting of the proposed call box would cause significant harm to the character and appearance of the area by adding to the clutter in the street scene. Furthermore, it would have an adverse effect on the safe and efficient use of the highway. This harm justifies the refusal of prior approval and the dismissal of Appeal A.

Appeal B - Outside 83-101 The Cut, London SE1 8LL

Character and Appearance

27. The proposed call box would be installed on the footway on the south side of The Cut, at the corner of this road and Webber Street. It would sit directly outside 83-101 The Cut, The Royal National Theatre Studio, a Grade II listed building. Immediately across Webber Street from the site is the Grade II* listed Old Vic Theatre. Given their proximity, there can be no doubt that the appeal site lies within the setting of these listed buildings.
28. No 83-101 is a striking example of mid C20th architecture and its listing describes it as being one of the earliest examples of New Brutalism. Its ground and first floor elevation onto The Cut is dominated by fenestration with a very strong horizontal emphasis. This emphasis is reinforced by the largely blank brick panel, above. The installation of the vertically emphasised call box directly in front of the ground floor fenestration would significantly detract from this elevation and adversely affect the manner in which the public can appreciate its architecture. Although there are some vertical elements in this elevation, they do not mitigate the harm that I have identified.
29. From the site, there is a view to part of the side elevation of The Old Vic, and an acute view to its front elevation. The former is finished in brick which has been used to create decorative blind arches separated by wide columns. Less is seen of the front elevation, although the side of its projecting 5-bay colonnade can be seen, as can the manner in which its painted render finish returns onto Webber Street.
30. The call box would have an adverse effect on its setting, interrupting the unfolding view to this very important building as one approaches it along the The Cut, from the northeast.
31. The boundary of the Lower Marsh Conservation Area (LMCA) lies some distance away across the intervening Waterloo Road. Although the townscape is largely open between the site and the LMCA, the distance between the two, allied to the relatively insignificant size of the call box and the high levels of traffic on Waterloo Road and The Cut means that the call box would not have an adverse effect on its setting.
32. There is little street furniture in the vicinity of the site. A telecommunications cabinet lies close-by, as does a litter bin, a sign displaying the name of the road and traffic lights. It is not a cluttered scene, and I find that the width of the footway here does not make it particularly sensitive to the addition of the call box.
33. In conclusion on this main issue, I find that the siting and appearance of the proposed call box would cause harm to the settings of important listed buildings. Whilst I do not find that it would harm the setting of the LMCA or result in a cluttered street scene, neither this nor the benefits of the proposed call box would outweigh this harm.

Use of the Highway

34. The footway widens to just under 6m here, where there are traffic lights and pedestrian crossings. The appellant suggests that pedestrian flow is low here. However, it was fairly busy at the time of my site visit.
35. Notwithstanding this, there would be in the order of 4m between the call box and the edge of the footway. This would be sufficient to ensure that the call box would not adversely affect the comfortable pedestrian use of the highway.
36. Whilst the Council's Transport Planning team objected to a previous proposal on the site, it did not object to this proposal.
37. My finding on this main issue is that the proposed call box would not adversely affect the safe and efficient use of the highway.

Conclusion on Appeal B

38. The proposed call box would not have an adverse effect on the safe and efficient use of the highway. Its siting and appearance would, however, have an adverse effect on the character and appearance of the area, including the setting of listed buildings. This harm justifies the refusal of prior approval and the dismissal of Appeal B.

Appeal C - Outside 157 Waterloo Road, London SE1 8LL

Character and Appearance

39. The appeal site is located at a point where the footway along this side of Waterloo Road widens considerably close to a pedestrian crossing. There is relatively little street furniture in the vicinity of the site.
40. The proposed call box would be located some 1.6m in front of a hotel at the rear of the footway and just under 4.5m from the kerb. This siting would be at odds with the layout of the larger items of street furniture that there is. This includes highway signage, street lights, traffic lights and a bus stop, that together with a street tree are aligned close to the edge of the kerb. The proposed siting for the call box away from this alignment would appear incongruous in the local street scene.
41. There is a bollard and what appears to be a control cabinet for the nearby traffic lights and pedestrian crossing a short distance to the southeast that are roughly in line with the site for the proposed call box. However, as they are far smaller structures and have commensurately less visual impact, their siting would not present mitigation for the incongruous siting I have identified.
42. 133-135 Waterloo Road lie to the northwest of the site, beyond the hotel. Its classical façade is listed. Given its relative proximity, the call box would lie within its setting. However, very little of the façade is experienced from the site, given the distance between the two and the very acute angle of view. The proposed call box would not, therefore, adversely affect the setting of Nos 133-135.

43. Given the limited amount of street furniture around the site, the area could not be described as being cluttered. This would not be changed with the introduction of the call box. Telephone boxes of the design that is proposed are not unexpected or surprising features in the streetscape. Therefore, in this regard, it would not be considered to be an incongruous feature.
44. My finding on this main issue is that, although there would be no harm to the setting of the listed façade to Nos 133-155 and its appearance would be acceptable, the siting of the proposed call box would be incongruous to the detriment of the character and appearance of the area.

Use of the Highway

45. The footway, which is some 7m wide in the vicinity of the appeal site, is described as being relatively spacious in the Officer's report. There is disagreement between the parties on the usage of the footway. Appendix 8 to the appellant's statement suggests that this is low. This is, however, based on an estimated figure. The Council's interpretation of the Transport for London (TfL) Pedestrian Comfort Guidance 2010 (PCG) leads it to conclude that it is exceptionally busy.
46. The site is located close to Waterloo Station, from which emanates a great deal of foot traffic. The area consists of offices, hotels, commercial premises and residential development. Buses frequently stop at the nearby bus stop, which is a terminus for several services. Although my visit only provided a snapshot of its character, I found it to be very busy.
47. The gap on either side of the proposed call box would be sufficient to allow pedestrians to pass by. However, its unusual and unexpected location on the footway, away from the usual position for larger items of street furniture close to the kerb here, would be likely to have an adverse effect on the flow of pedestrians, especially at busy times. Furthermore, the adverse effects of its position would be likely to be disproportionately felt by visually impaired people.
48. My finding on this main issue is that the siting of the proposed call box would have an adverse effect on the safe and efficient use of the highway.

Conclusion on Appeal C

49. For the above reasons, and having taken all other matters into account, the siting and appearance of the proposed call box would cause harm to the character and appearance of the area and have an adverse effect on highway safety. This harm justifies the refusal of prior approval and the dismissal of Appeal C.

Appeal D - Adj 54 Kennington Road, Kennington, London SE1 7BJ

Use of the Highway

50. The proposed call box would be fairly close to the junction between Kennington Road and Lambeth Road. There is a light controlled pedestrian crossing on Kennington Road between the junction and the site for the call box. From the

consultation response of the Council's Transport Officer, it is clear that the potential of the call box to affect sight lines for highway users would be negated by setting the call box back from the carriageway by 0.5m.

51. Although the appellant's statement states that the proposed call box would be set back from the kerb by more than 0.45m, this is not what is shown on the plans before me. Its proposed siting would be likely to adversely affect visibility available for highway users.
52. A condition cannot be used to ensure that the required 0.5m distance is achieved as the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. That the issue might be resolved under the terms of a 'street works permit' is not a matter for this appeal.
53. In the light of the above reasons, my conclusion on this main issue is that the siting of the proposed call box would be likely to have an adverse effect on visibility available for highway users and, thus, the safe and efficient use of the highway.

Character and Appearance

54. The footway where the proposed call box would be sited is very wide. This, the width of Kennington Road together with the manner that the hotel behind the footway is set well back, gives the area a spacious feel.
55. I would not describe the footway in this area as cluttered. There are a number of pieces of street furniture here including a call box, signage, sand/grit bin and traffic/pedestrian crossing lights at the junction. There are two call boxes on the opposite side of the road, but they have no effect on the appearance of this footway. In addition, there are a number of trees along this side of the road, some of which are large with canopies that overhang the carriageway. These create the tunnel effect when looking north along Kennington Road, rather than the small amount of street furniture. The installation of the proposed call box would not result in a cluttered street scene.
56. I am told that 59-69 Kennington Road, which lie on the opposite side of the road are locally listed. Although I have not been provided with firm evidence of this, as it has not been challenged by the appellant I am treating them as non-designated heritage assets. They are an impressive row of four-storey buildings that add much to the area. However, the proposed call box would be a relatively small addition to the street scene on the far side of a wide and busy road would not adversely affect their settings.
57. On this main issue, I find that the siting and appearance of the proposed call box would not have an adverse effect on the character and appearance of the area.

Conclusion on Appeal D

58. For the above reasons, and having taken all other matters into account, the siting and appearance of the proposed call box would have an adverse effect on highway safety. This harm, which is not outweighed by the lack of harm to the

area's character and appearance, justifies the refusal of prior approval and the dismissal of Appeal D.

Appeal E - 66 The Cut, London SE1 8LX

Use of the Highway

59. The Cut is a busy road. The proposed call box would be located on the footway on its north side, directly outside the Young Vic theatre. It would be in very close proximity to its large service entrance doors. Comments made by the theatre show that large items, which can be between 6m and 8m long are delivered and removed via this entrance. Installing the call box in this location would severely impair the manner in which these activities are undertaken. It would be likely to lead to staff involved having to step into the highway with large items to the detriment of their safety and that of other road users.
60. The Council's Transport Officer has made the point that the potential of the call box to affect sight lines for highway users would be negated by setting the call box back from the carriageway by 0.5m. Although the appellant's statement suggests that the proposed call box would be set back from the kerb by more than 0.45m, this is not what is shown on the plans before me.
61. A condition cannot be used to ensure that the required 0.5m distance is achieved as the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators. That the issue might be resolved under the terms of a 'street works permit' is not a matter for this appeal.
62. Although the proposed siting is only 50mm shy of the required distance to the carriageway, I am of the view that this would be likely to lead to adverse effects on the safety of users of the highway.
63. The siting of the call box would retain sufficient width for the safe and comfortable use of the footway by pedestrians. Furthermore, given the distance that there would be between it and the theatre's outdoor seating area, I am not persuaded that the call box would have an adverse effect on that area's users.
64. For the above reasons, I conclude on this issue that the siting of the proposed call box would be likely to adversely affect the safe and efficient use of the highway

Character and Appearance

65. Street furniture on the footway close to the theatre is limited to a small area of seating outside the theatre, a few tables and chairs outside a nearby café, a few street signs, rubbish bins and bollards. It is not a cluttered street scene and, notwithstanding the presence of a call box on the opposite side of the road, it would not be cluttered as a result of the proposal.
66. The theatre is striking building which has been well-received, architecturally. However, given its relatively small size and simple design, the proposed call box would not spoil the building's aesthetics or detract from the building.

67. On this main issue, I find that the siting and appearance of the proposed call box would not have an adverse effect on the character and appearance of the area.

Conclusion on Appeal E

68. For the above reasons, and having taken all other matters into account, the siting and appearance of the proposed call box would have an adverse effect on highway safety. This harm, which is not outweighed by the lack of harm to the area's character and appearance, justifies the refusal of prior approval and the dismissal of the appeal.

Appeal F – Baylis Road, Opposite Matheson House, Baylis Road, London SE1 7RP

Use of the Highway

69. The proposed call box would be sited on the footway on the east side of Baylis Road, a short distance to the south of its junction with Frazier Street. The area is mainly residential in character and the evidence shows that pedestrian flows here are low.
70. Although not mentioned in the reason for refusal, the Council's statement of case refers to its Transport Officer requirement for a 0.5m setback from the carriageway on highway safety grounds. I note the comment from TfL that 0.45 is sufficient, but the evidence before me is that this is not the requirement in the Borough. In the absence of a plan showing a 0.5m gap, the Transport Officer suggests the use of a condition to achieve this. Although the appellant's statement suggests that the proposed call box would be set back from the kerb by more than 0.45m, this is not what is shown on the plans before me.
71. As the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators, I am unable to use a condition to address this issue. That the issue might be resolved under the terms of a 'street works permit' is not a matter for this appeal.
72. Although a street light is located some 2m away from the site for the proposed call box, I have not been provided with any persuasive evidence to show that its proximity would have an adverse effect on highway safety. In my assessment of this issue, I note that both TfL and the Council's Transport Officer make no adverse comment in this regard.
73. The width of the footway between the call box and the wall bounding adjacent residential properties would be sufficient to accommodate the pedestrian flows here.
74. In the light of the above reasons, my conclusion on this main issue is that the siting of the proposed call box would be likely to have an adverse effect on the safe and efficient use of the highway.

Character and Appearance

75. Baylis Road is a spacious tree-lined road. Save for street lights, a road sign and a grit/salt bin, there is very little street furniture in the vicinity of the site. The call box, referred to as being 140m away in the Council's statement, has no discernible impact when viewed from the site.
76. When assessed in the light of other street furniture, the siting and appearance of the proposed call box would not result in a cluttered street scene.
77. For the above reasons, the proposed call box would not have a harmful effect on the character and appearance of the area.

Conclusion on Appeal F

78. For the above reasons, and having taken all other matters into account, the siting and appearance of the proposed call box would have an adverse effect on highway safety. This harm, which is not outweighed by the lack of harm to the area's character and appearance, justifies the refusal of prior approval and the dismissal of Appeal F.

Appeal G - 31 Baylis Road, London SE1 7RH

Use of the Highway

79. The Council's Transport Officer sets out that the potential of a call box to affect sight lines for highway users would be negated by setting the call box back from the carriageway by 0.5m. Although the appellant's statement sets out that the gap would be more than 0.45m, this not what is shown on the submitted plans.
80. The road carries a large volume of traffic. It has a dedicated cycle route on the carriageway next to the footway, there is a pedestrian crossing point using a pedestrian refuge in the middle of the carriageway and a bus stop a short distance from the appeal site.
81. The siting of the proposed call box would have an adverse effect on sight lines for road users and pedestrians in the area. It is essential that required and uninterrupted visibility is available to all highway users, given the busy nature of the road. Pedestrians crossing the road here need to have an uninterrupted view of approaching traffic to be able to cross safely. The interruption of sight lines, even in a relatively minor form, where large numbers of road users of all kinds interact would be likely to result in dangerous conditions.
82. That the issue might be resolved using a street works permit is not a matter for this appeal. As the GPDO does not provide any specific authority for imposing additional conditions beyond the deemed conditions for development by electronic communications code operators, I cannot control this matter using a condition.
83. The Council challenges the manner of data collection that has led to the description of the footway as having a low pedestrian flow, set out in

Appendix 8 to the appellant's statement. However, it does not actually challenge the description of flow as being 'low'.

84. Although this only gave a snapshot in time, the footway was not busy at the time of my visit. It is fairly close to Waterloo Station and would be busier at peak times, but in the absence of any other evidence I accept the appellant's description. The site is also close to Lower Marsh, a street with a large number of eating establishments and small shops that attracts many people. However, people going to and from Lower Marsh would be unlikely to pass the site. Coming from the south, they would be likely to use Frazier Street and, from the north, they would go straight down Lower Marsh.
85. Notwithstanding its siting close to the crossing point and bus stop, the retention of a clear space on the footway of 2.3m would not narrow the footway to the point where it would cause an uncomfortable pinch point. There would still be sufficient space to allow pedestrian flows to move comfortably along the footway.
86. In the light of the above reasons, my conclusion on this main issue is that the siting of the proposed call box would be likely to have an adverse effect on the safe and efficient use of the highway.

Character and Appearance

87. A school bounds the north side of this stretch of footway. It is set behind a brick wall, which is topped by a chain link fence. I saw a number of vertical banner advertisements for the school rising from this fence. Close by on the footway there is a bus stop that has a simple sign and no shelter. In addition, there are a small number of street lights, a small telecommunications cabinet and salt/grit box at the rear of the footway and a number of street trees. It is not a cluttered stretch of footway, and this would not be changed through the introduction of the call box. In reaching this position, I have taken into account the other telephone kiosks in the vicinity.
88. The boundary of the Lower Marsh Conservation Area (LMCA) is close by, to the north and northeast. Views to the LMCA from Baylis Road in which the call box would figure are across the school playground and along Baylis Road to the open area at its junction with Lower Marsh.
89. In the former, the view is to the mostly undistinguished rear elevations of properties on Lower Marsh. These are seen in the context of the school fence and its banner advertisements, school playground furniture and murals painted on the playground walls. The proposed call box would be inconspicuous in this view to the LCMA and would not harm this part of its setting.
90. The view looking northeast along Baylis Road to its junction with Lower Marsh, in which the proposed call box would figure, is a narrow one. The proposed call box would be fleetingly seen in conjunction with this part of the LMCA but would not cause harm to its setting.
91. I am told that the pub on the opposite side of the road from the appeal site is locally listed, though I have not been provided with details of this.

Notwithstanding this, as this has not been challenged, I shall treat it is a non-designated heritage asset.

92. Between the pub and the site of the proposed call box, Baylis Road is wide and busy. Street trees partially screen the pub. A fairly large swathe of the footway in front of it has been enclosed by planters and bollards to create an outdoor area in which there are two very large umbrellas to give shelter to outdoor drinkers and eaters. These features screen much of the pub's façade when seen from the appeal site. For these reasons, the proposed call box would not have an adverse effect on its setting.
93. In conclusion on this main issue, I find that the siting and appearance of the proposed call box would not have an adverse effect on the character and appearance of the area, including the setting of nearby heritage assets.

Conclusion on Appeal G

94. The siting of the proposed call box would have an adverse effect on the safe and efficient use of the highway. This harm, which is not outweighed by the lack of harm to the area's character and appearance, justifies the refusal of prior approval and the dismissal of Appeal G.

Appeal H – Opposite Morley College, Westminster Bridge Road, London SE1 7RU

Use of the Highway

95. The proposed call box would be located on the footway on the north side of Westminster Bridge Road, close to its junction with St George's Road. The area is primarily residential in character, although there are some commercial premises nearby and Morley College lies on the opposite side of Westminster Bridge Road. Westminster Bridge Road widens here and its lanes of traffic are separated here by a large island.
96. The footway is wide enough to site the call box without creating a pinch point that would create uncomfortable conditions for pedestrians, including its more vulnerable users. This would be the case even were the door to open towards the rear of the footway.
97. The Council's Transport Officer states that the potential of the call box to affect sight lines for highway users would be negated by setting the call box back from the carriageway by 0.5m. Although the appellant's statement sets out that this gap would be more than 0.45m, this is the figure shown on the submitted plans. As the plans do not show the proposed orientation of the call box, this door might open over the carriageway.
98. Westminster Bridge Road carries a large volume of traffic and there are junctions with minor residential streets close-by on either side of the appeal site. In addition, there is a light-controlled pedestrian crossing and a cycle crossing through the island in the middle of the road. It is a location where any development that does not meet required safety standards should be avoided.

99. Notwithstanding that there is some debate regarding the manner in which the pedestrian count was undertaken, I found the footway to be wide enough to cater with likely pedestrian flows. It would not create a pinch point that would create uncomfortable conditions for pedestrians, including its more vulnerable users. I find that this would be the case even were the door to open towards the rear of the footway.
100. For the above reasons, my conclusion on this main issue is that the siting of the proposed call box would be likely to have an adverse effect on the safe and efficient use of the highway.

Character and Appearance

101. I am told that Morley College, on the opposite side of Westminster Bridge Road, is a locally listed building although I have not been provided with full details of this. However, as this has not been challenged I shall treat it is a non-designated heritage asset. It is clearly seen from the site and vice-versa. However, given its distance from the site across the intervening busy road and the relatively small size of the call box, the latter would not affect the setting of the college building.
102. The tower of the former Christchurch and Upton Chapel, at 77 Westminster Bridge Road, is a listed building. It has a wide setting, being prominent in many views around the area and is easily seen from the site. Although within its setting, the two would be a considerable distance apart and the call box, which I would not describe as being a dominant structure, would not adversely affect the setting of the tower.
103. The Lower Marsh Conservation Area (LMCA) lies further away beyond the listed tower. Due to a bend in Westminster Road, the LMCA is only glimpsed from the site. Given these factors, the call box would have no ill-effect on its setting.
104. Street furniture on the stretch of footway between the two minor residential streets is limited to two street signs, a street light column and a traffic light. It has an open, uncluttered character. The installation of the proposed call box would not change this.
105. For the above reasons, my finding on this main issue is that the siting and appearance of the proposed call box would not harm the character and appearance of the area.

Conclusions on Appeal H

106. The siting of the proposed call box would have an adverse effect on the safe and efficient use of the highway. This harm, which is not outweighed by the lack of harm to the area's character and appearance, justifies the refusal of prior approval and the dismissal of Appeal G.

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Character and Appearance

107. The appeal site lies on the footway in front of Morley College. The college occupies a prominent corner position at the junction between King Edward Walk and Westminster Bridge Road. The college, with its feature curved entrance façade adds to the character and appearance of the area. It is reported to be locally listed. Although I have not been given further details of this, as it has not been challenged by the appellant, I am treating it as a non-designated heritage asset.
108. The footway in front of the college is in the order of 6m wide. Along its length from King Edward Walk, past the college to the adjacent residential development at Holst Court, there are many pieces of street furniture. These include a large number of 'Sheffield' bicycle stands, several telephone kiosks, street lights and street signage. This clutter detracts from the overall quality of the street scene.
109. Adding the proposed kiosk to this scene would result in further clutter, which would cause harm to its character and appearance. Similarly, although the setting of Morley College is already adversely affected by the plethora of street furniture, this would be further harmed by the addition of the kiosk.
110. My conclusion on this main issue is that the siting and appearance of the proposed call box would be harmful to the character and appearance of the area.

Use of the Highway

111. The Council's Transport Officer states that the potential of the call box to affect sight lines for highway users would be negated by setting the call box back from the carriageway by 0.5m. This is for safety reasons and, in this respect, specific mention has been made to cyclists. Although the appellant's statement states that the proposed development would provide a gap of more than 0.45m, this is not shown on the proposed plans.
112. The college is likely to attract a considerable number of cyclists, and this is reflected in the cycle stands on the footway. It is likely that fairly large numbers of cyclists will be entering the carriageway at certain times of the day from various points along the road in front of the college and Holst Court. For reasons of highway safety, it is essential that appropriate levels of visibility are provided. This would not be the case, given the proposed siting of the call box.
113. The proposed siting would maintain sufficient unhindered space for pedestrians between the call box and the rear of the footway. In this regard, the siting of the call box would not have an adverse effect on the use of the highway.
114. In the light of the above reasons, my conclusion on this main issue is that the siting of the proposed call box would have an adverse effect on the safe and efficient use of the highway.

Conclusion on Appeal I

115. The siting of the proposed call box would have an adverse effect on the character and appearance of the area and the safe and efficient use of the highway. It would also have an adverse effect on the safe and efficient use of the highway. This harm justifies the refusal of prior approval and the dismissal of the appeal.

Roy Curnow

INSPECTOR