
Appeal Decisions

Site visits made on 2 September 2019 by C McDonagh BA (Hons), MA

by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 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(1) and Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeals are made by Maximus Networks Ltd against the decisions of the Council of the London Borough of Islington.
 - The development proposed in each case is the installation of a telephone kiosk.
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Appeal A - Ref: APP/V5570/W/19/3229445

Public Highway, 268 Seven Sisters Road, London, N4 2HY

Grid Reference Easting: 531438 and Grid Reference Northing: 186748

- The application Ref: P2018/3257/PRA, dated 1 October 2018, was refused by notice dated 26 November 2018.
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Appeal B - Ref: APP/V5570/W/19/3229335

Public Highway, St. Thomas' Road Junction with Seven Sisters Road, London, N4 2HU

Grid Reference Easting: 531410 and Grid Reference Northing: 186711

- The application Ref: P2018/3240/PRA, dated 1 October 2018, was refused by notice dated 26 November 2018.
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Appeal C - Ref: APP/V5570/W/19/3229450

Public Highway, Isledon Road adjacent 232 Seven Sisters Road, London, N4 3NX

Grid Reference Easting: 531256 and Grid Reference Northing: 186575

- The application Ref: P2018/3268/PRA, dated 1 October 2018, was refused by notice dated 26 November 2018.
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Appeal D - Ref: APP/V5570/W/19/3228718

Public Highway, 305 Hornsey Road, London, N19 4HD

Grid Reference Easting: 530470 and Grid Reference Northing: 186693

- The application Ref: P2018/3280/PRA, dated 1 October 2018, was refused by notice dated 14 November 2018.
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Appeal E - Ref: APP/V5570/W/19/3229453

Public Highway, 627-635 Holloway Road, London, N19 5SS

Grid Reference Easting: 529623 and Grid Reference Northing: 186706

- The application Ref: P2018/3274/PRA, dated 1 October 2018, was refused by notice dated 26 November 2018.
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Appeal F - Ref: APP/V5570/W/19/3229418

Public Highway, 786 Holloway Road, London, N19 3JH

Grid Reference Easting: 529510 and Grid Reference Northing: 186775

- The application Ref: P2018/3255/PR, dated 1 October 2018, was refused by notice dated 26 November 2018.
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Appeal G - Ref: APP/V5570/W/19/3229449

Public Highway, Archway Road near Junction St John's Way, London, N19 3QS

Grid Reference Easting: 529432 and Grid Reference Northing: 186913

- The application Ref: P2018/3265/PRA, dated 1 October 2018, was refused by notice dated 26 November 2018.
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Appeal H - Ref: APP/V5570/W/19/3229413

Public Highway, adjacent 19 Highgate Hill, London, N19 5LS

Grid Reference Easting: 529346 and Grid Reference Northing: 186856

- The application Ref: P2018/3249/PRA, dated 1 October 2018, was refused by notice dated 26 November 2018.
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Appeal I - Ref: APP/V5570/W/19/3229447

Public Highway, Archway Road corner Highgate Hill, London, N19 5LW

Grid Reference Easting: 529344 and Grid Reference Northing: 186965

- The application Ref: P2018/3263/PRA, dated 1 October 2018, was refused by notice dated 26 November 2018.
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Appeal J - Ref: APP/V5570/W/19/3229415

Public Highway, Highgate Hill near junction MacDonald Road, London, N19 5LW

Grid Reference Easting: 529288 and Grid Reference Northing: 186920

- The application Ref: P2018/3254/PRA, dated 1 October 2018, was refused by notice dated 26 November 2018.
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Decisions

1. Appeals A-J are dismissed.

Procedural Matters and Background

2. The application forms relating to appeals A-J describe the proposed development as a 'call box'. Notwithstanding this, I note that the appellant refers to telephone kiosks in the relevant statements provided. Taking all of this into account, 'installation of a telephone kiosk' more appropriately describes the proposed development, and, as such, is the description used in

the banner heading above. Accordingly, I refer to telephone kiosks in the consideration of each appeal below.

3. The appeals relate to proposals by Maximus Networks Ltd for the installation of a telephone kiosk at 10 sites in north London across the Borough of Islington. The proposed apparatus is identical in each case. Therefore, in the interests of conciseness, I have dealt with all the appeal decisions in the same letter.
4. Whilst the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 amends the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO) by removing permission for the installation, alteration or replacement of a public call box by, or on behalf of, an electronic communications code operator, this is subject to transitional and saving provisions. Therefore, for the purposes of these appeals, which were validly made, the proposals fall to be considered against the provisions of Schedule 2, Part 16, Class A of the GPDO, which refers to development 'by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network'.
5. The proposals before me were refused by the Council on grounds relating to siting and appearance. However, the *Westminster*¹ judgement found that 'the judgement as to whether the kiosk, as applied for, comes within the scope of Class A has to be made before siting and appearance are considered' (paragraph 46). Whilst the Council determined the applications before the *Westminster* judgement was handed down, I note both the appellant and Council have referenced this judgement within their respective statements of case as to its effect on the bearing of the judgement upon the appeals. I have taken these comments into account in determining these appeals.
6. 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'.
7. Whether or not the proposed kiosks are solely for the purpose of the operator's electronic communications network is a matter of dispute between the main parties. While not given at the time of the initial decisions, the Council recommends a further refusal reason for all appeals on the basis that the kiosks are not solely for the purpose of the operator's

¹ Westminster CC v SSHCLG & New World Payphones Ltd [2019] EWHC 176 (Admin) (5 February 2019).

telecommunications network as required in Schedule 2, Part 16, Class A of the GPDO as they include advertising space.

8. The design of each of the proposed kiosks is the same, comprising a freestanding steel-framed kiosk, constructed with steel casings and toughened glass, with roof-mounted solar panels on top of each side which double as a canopy. They would be approximately 3.1m high, with a footprint of around 0.219m length by 1.325m width. All would comprise a two-sided structure of either black or dark grey appearance. While the orientation of the kiosks is not clear from the plans, one side contains the phone itself set in a recess while the other has a non-illuminated glass panel. Whilst deemed consent allows a non-illuminated advertisement on the glazed surface of one face of the kiosk, in these appeals, only the construction of the kiosks is being considered, and the appellant is not seeking advertisement consent. There is nothing within the evidence before me to indicate that the kiosks explicitly contain provision of advertisement space. The above factors, together, lead me to find that these appeal proposals should not be considered to constitute a dual purpose. Therefore, the prior approval considerations of siting and appearance must be considered.
9. The provisions of the 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 developments solely on the basis of their siting and appearance, taking into account any representations received. My determination of these appeals has been made on the same basis.
10. The Council has made reference in its decision notices to Policies 6.10, 7.4, 7.5 of The London Plan (TLP), policies CS8 and CS9 of the Core Strategy (CS), policies DM2.1, DM2.3 and DM2.7 of the Development Management Policies (DMP), The Islington Urban Design Guide (UDG), The Islington Streetbook Supplementary Planning Document (the SPD) and the emerging draft London Plan Policies T2 and D7 (ELP). Similarly, the appellant has introduced Streetscape Guidance (SG) and Pedestrian Comfort Guidance for London (PCG), both published by Transport for London.
11. 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. Nonetheless, although not determinative, I take account of the above-mentioned policies and documents in so far as they are relevant to matters of siting and appearance.
12. Appeals C, I and J relate to sites that are located within the setting of Conservation Areas and/or Listed Buildings. According to statute, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of conserving or enhancing the character or appearance of these areas. National planning policy, as set out in the National Planning Policy Framework (the Framework), states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation, and that significance can be harmed or lost through development within their setting.

Main Issues

13. The main issues are as follows:

- For appeals **A** and **B**, whether or not approval should be given in respect of the siting and appearance of the proposed development, with particular regard to its effect on the character and appearance of the area;
- For appeal **C**, whether or not approval should be given in respect of the siting and appearance of the proposed development, with particular regard to whether it would preserve the setting of a Listed Building and its effect on the streetscene, and its effect upon the safe and efficient operation of the highway;
- For appeals **D, E, F, G** and **H**, whether or not approval should be given in respect of the siting and appearance of the proposed development, with particular regard to its effect on the character and appearance of the area, and its effect upon the safe and efficient operation of the highway; and
- For appeals **I** and **J**, whether or not approval should be given in respect of the siting and appearance of the proposed development, with particular regard to whether it would preserve or enhance the character or appearance of the Conservation Area, and its effect upon the safe and efficient operation of the highway.

Reasons

Appeal A - Public Highway, 268 Seven Sisters Road

14. The appeal site is located on an area of pavement adjacent to a row of mixed-use buildings, comprising commercial space to the ground floors, including a betting shop and supermarket, and residential use above. Seven Sisters Road (A503) separates the site from Finsbury Park train/tube station and several other retail/residential premises. The path itself contains street furniture set on the front of the footway, including cycle racks, bollards and streetlights as the highway approaches a set of traffic lights. A Wi-Fi column is present near to the appeal site and appears to be of similar dimensions to the kiosk proposed.
15. During the time of my visit, I observed a large amount of vehicular traffic and a steady flow of footfall, especially from those entering the area after exiting the rail and tube stations and the supermarket. Although the appearance of the kiosk is typical of its function, the addition of a structure of this scale especially in terms of its overall height, would result in an increasingly cluttered appearance to the pavement and streetscene. The appellant contends the model proposed is a new version which features a reduced footprint, but its height including the canopy created by the solar panels extends to a maximum of 3.1m, which is a large structure to incorporate into an already cluttered footway. This further intrusion created by the kiosk would therefore harm the character and appearance of the

area, especially cumulatively when considering the existing Wi-Fi column which is of a similar form.

16. Accordingly, the siting and appearance of the proposed telephone kiosk would harm the character and appearance of the area. This harm justifies the refusal of prior approval and the dismissal of appeal A.

Appeal B - Public Highway, St. Thomas' Road Junction with Seven Sisters Road

17. The appeal site is located at the front of a public footway on St John's Road, near the junction with Seven Sisters Road. Located in a mixed-use area, the site is surrounded by commercial and residential properties, with Finsbury Park rail/tube station situated to the north of the A503. The path itself contains a large amount of street furniture lining the road side, the most noticeable feature being a large number of bicycles attached to racks located at the traffic lights. Aside from these, a tall road sign, lampposts and railings to the side of a pedestrian crossing are also present.
18. The path is wider than others in the area, particularly those along Seven Sisters Road, but narrows at the site of the proposed kiosk due to the circular protrusion of an office. The immediate area is already cluttered due to the many bicycles and other aforementioned street furniture. The addition of another structure, especially one of this height, in among the array of bikes, street signs and railings would further exacerbate this cluttered feel of the footpath.
19. As such, the siting and appearance of the proposed kiosk would harm the character and appearance of the area and justifies the refusal of prior approval and dismissal of appeal B.

Appeal C - Public Highway, Isledon Road adjacent 232 Seven Sisters Road

20. The appeal site is located on an outcrop of footway along Isledon Road (A503), outside of the former Rainbow Theatre, which is a Grade II* listed building. It is currently operated as a place of worship, while the surrounding building uses comprise mixed uses, including student accommodation, a gym and a hotel. The stretch of footway which runs past the appeal site is devoid of street furniture save for a lamppost and a bus stop further south, which is in stark contrast to the opposite side of the road which features a proliferation of cycle racks, signage, bus stops, trees, litter bins and an electrical cabinet.
21. The former theatre is a commanding three-storey stone and brick building and defines the character of the immediate area. The kiosk is proposed to be located close to the entrance, which is the more prominent section of the building. The lack of street furniture on this stretch of pavement outside the theatre building has allowed an element of its significance to be retained, even within the busy vicinity. This is repeated on the other side of the building, with the footway along Seven Sisters Road outside of the theatre containing only a public toilet and pedestrian crossing.
22. While simple in form and design, the addition of the kiosk in this location would not sit comfortably outside such a prominent and commanding

structure and would fail to preserve the significance and setting of the Listed Building. Given the harm relates to only part of the setting of the Listed Building, there would be less than substantial harm to its significance. While some public benefits would arise as a result of the kiosk, such as the use of a public phone and internet access, these would not outweigh the harm caused upon the setting of the Listed Building, harm which carries great weight.

23. Further regard is had to the effect of the kiosk on the safe and efficient operation of the public highway. The location of the kiosk on a widened section of footway would narrow the available space for the free flow of pedestrians. A dashboard style analysis has been submitted for all appeal locations to demonstrate the proposal does not conflict with the safe and efficient operation of the highway. Minimum width standards are referred to from the Streetscape Guidance produced by Transport for London (SG) and it is asserted the kiosk would not compromise pedestrian intervisibility or safety.
24. Nonetheless, it is noted that the above analysis also assesses the existing footway width as narrower than that recommended by the TfL's Pedestrian Comfort Guidance (PCG), which categorises the requirements based on level of pedestrian flow and existing obstacles. The level of flow is determined to be low, which would accord with my observations, although evidently this can increase dramatically as a result of visitors to the church and fans travelling to the Emirates Stadium on Arsenal Football Club home game days to and from Finsbury Park station. The appellant's evidence states a width of 2.9m is required to be maintained. The distance from the kiosk to the wall of the building is given as 2.475m. The position of the kiosk close to the road would likely mean pedestrians would not be safely able to navigate to the front of the footway given its proximity to the road. As such the flow of people using this path would use the reduced width between the kiosk and wall. Taking the above together, I find that the proposal would have an unacceptably adverse effect on pedestrian permeability in what can become a very busy area.
25. Accordingly, the siting and appearance of the proposed telephone kiosk would harm the character and appearance of the area and the setting of a Listed Building. It would also be detrimental to the safe and efficient operation of the highway. This harm justifies the refusal of prior approval and the dismissal of appeal C.

Appeal D - Public Highway, 305 Hornsey Road

26. The appeal site is located on a footway adjacent to 305 Hornsey Road. The kiosk would be installed outside an apartment block, while the opposite side of the road comprises a mixture of commercial and residential units. The footway is wide, although it does narrow at the entrance to the apartment block nearby to allow for a ramp. The front of the footpath is lined by bollards north and south of the site, but there is a break in these immediately adjacent to the proposed kiosk location. The footway is also lined by trees closer to the building line as well as a little bin and some

sporadic signage. The road itself was very busy during the site visit, although the footway exhibited a low flow of pedestrians.

27. The kiosk, while visually simple in design, would be located at a point where the footpath narrows to allow for users of the ramp to access the apartment block. While there is a gap in the bollards along this stretch, it would cause a cluttering effect when viewed in context with the pinch point of the ramp, bollards either side of the kiosk, and trees. Furthermore, the wide footpath is a pleasant feature of this stretch of Hornsey Road, with the trees softening an otherwise busy urban environment such as the path on the opposite side of the road. The presence of such a large structure would therefore harm the character of the streetscene in this location and appear incongruent against the backdrop of the apartment block.
28. The positioning of the kiosk near to this narrowing of the footpath would also lead to issues with the efficient operation of the public footway. Moreover, I saw that the proposal, in combination with the aforementioned elements present, would create a 'slalom' of street furniture for pavement users to navigate around. While the submitted dashboard analysis shows the kiosk would be 4m+ from the wall of the apartment building, and therefore within recommended distance as advised by the SG and PCG, it does not factor in existing street furniture. Taking the above together, I find that the proposal would have an unacceptably adverse effect on pedestrian permeability in what is a busy area.
29. Accordingly, the siting and appearance of the proposed telephone kiosk would harm the character and appearance of the area. It would also be detrimental to the safe and efficient operation of the highway. The harm that would arise from the siting and appearance of the proposal justifies the refusal of prior approval and the dismissal of appeal D.

Appeal E - Public Highway, 627-635 Holloway Road

30. The appeal site is located to the front of the footway lining Holloway Road, adjacent to a small supermarket. The footway in this location is wide to account for the increased footfall created by the proliferation of retail units in the vicinity. The area hosts a large amount of pedestrian flow as well as a busy road. The path contains a line of trees intersecting the middle ground along with an information board, while the front of the footway lining the road includes a mixture of litter bins, streetlights, signage and cycle racks. To the back of the footway, shop displays are positioned on the footway with goods for sale externally, in amongst another line of cycle racks. Overall this creates a cluttered appearance to the highway despite its width, with 3 lines of street furniture created.
31. The addition of a kiosk of this scale, while simple in design and form, would further clutter the footway. The street furniture to the front of the footway includes signage and litter bins, which are of small footprint and limited profile. In contrast, compared to the street sign the width of the kiosk is much greater, although their heights are seemingly similar. Overall, there would be harm to the character and appearance of the streetscene as a result of the installation of the kiosk in this location.

32. While there would be sufficient distance from the kiosk to the row of shops to satisfy both the SG and PCG, this does not factor in distance to existing obstacles on the footway, of which there are already many. The kiosk would be positioned between a signpost and litter bin to the front edge of the footway. Given the width of the kiosk, a slaloming effect would be created as pedestrians moved to avoid the kiosk between here and the tree-lined middle of the path. This would therefore have an unacceptable impact upon the safe and efficient operation of the public highway in this location.
33. A further reason for refusal was attached to the decision regarding the effect of the proposal on road users. I observed the road running past the appeal site to be very busy even outside of the morning or afternoon rush hours. A bus lane branches off from the main element of the road and passes the appeal site, with the bus stop located to the west outside another convenience style supermarket. Evidently the path is well used by cyclists, and a previous appeal (APP/V5570/W/17/3172684) found that the distance maintained from the road to the unobstructed part of the footway of 500mm was not sufficient to allow cyclists to pass safely. The Council maintain a distance of 650mm is required; however, the distance in this case is further reduced to 450mm. This would increase the danger to cyclists who would be forced closer to the bus lane, increasing the risk of accidents if the kiosk were in situ.
34. In conclusion, in relation to appeal E, the proposed telephone kiosk would harm the character and appearance of the local area and impact upon the operation of the public footway. This harm justifies the refusal of prior approval and the dismissal of appeal E.

Appeal F - Public Highway, 786 Holloway Road

35. The appeal site is located to the front of the footway positioned between a road sign and a streetlight, with further street furniture on this stretch of path including a telephone box and parking enforcement signage. The footway is narrow in this location, and the street is populated by commercial uses on the ground floor level and residential accommodation above.
36. The kiosk would obscure the road sign given its height, and its position has the potential to cause visual confusion when seen by passing motorists so soon after the kiosk. The kiosk would therefore have a detrimental effect on highway safety for road users using this busy stretch of the A1.
37. I recognise that the style of the kiosk would be plain and simple. However, when approaching the site from both north-westerly and south-easterly directions along the street, the addition of the mass of the proposed kiosk would, together with the aforementioned elements, cumulatively result in an increasingly cluttered appearance to the pavement and the wider streetscene. This is in addition to customers exiting the retail properties along this street, which I observed on the site visit contributed to a busy environment. Taken together, the size and design of the kiosk would be detrimental to the character and appearance of the area.
38. Accordingly, the siting and appearance of the proposed telephone kiosk would harm the character and appearance of the area. It would also be

detrimental to the safe and efficient operation of the highway. The harm that would arise from the siting and appearance of the proposal justifies the refusal of prior approval and the dismissal of appeal F.

Appeal G - Public Highway, Archway Road near Junction St John's Way

39. There appears to be some discrepancy between the location given tile B of the submitted dashboard analysis and the photographic representation on the bottom-left tile. This image appears to be taken from the opposite side of the Archway Road outside the park. Given the site location plans submitted with both the original application and appeal match those on Tile B, and the officer report has assessed the application at that same location, I have disregarded the photographic box.
40. As such, the appeal site is located on a stretch of pavement outside a former Methodist Hall, before the point of the footway ceasing at anti-pedestrian blockwork. Evidently there has been many improvements to pedestrian mobility in this location, with new signalled crossings and cycle lanes noticeable. While the signage would be large and extend across the centre of the footway, there is no access beyond this point and its position is unlikely to hinder the flow of pedestrians given they must cross before this point.
41. Given the footway ceases to allow pedestrians past the point of a road traffic sign, there is little in the way of street furniture here. Some existing framework of road signage was in place, though there was no sign attached. However, given its function and location in an area of continuing road and footway improvements it is not unreasonable to assume there will be signage attached again in future. The installation of a kiosk of that height and width within 2.5m of the sign would obscure views for motorists and cyclists, causing a detrimental impact on the safe and efficient operation of the public highway.
42. According to the Council report the appeal site is located within the St. John's Grove Conservation Area. However, when referencing the site against the included Conservation Area appraisal and inset map it would appear to be outside the designated area boundary, to the north of the proposed kiosk location. There would be no intervisibility between the kiosk site and Conservation Area and as such, I am unconvinced it would harm the significance of the heritage asset, therefore preserving it in line with Paragraph 193 of the Framework.
43. The immediate area is characterised by the large and imposing Methodist Hall, although it is seemingly vacant and looks to be in a poor state of repair from the outside. However, the installation of the kiosk in this location would contrast poorly with the signage behind it, leading to a cluttered appearance when viewed against this backdrop.
44. In conclusion, in relation to appeal G, the proposed telephone kiosk would be detrimental to highway safety in terms of road users using this stretch of road and character and appearance of the streetscene. This harm justifies the refusal of prior approval and the dismissal of appeal G.

Appeal H - Public Highway, adjacent 19 Highgate Hill

45. The appeal site is located at the back of a footway, in close proximity to an electrical cabinet and information board. Evidently, the footway is a recently pedestrianised thoroughfare, forming part of a large scheme of works to improve pedestrian links at the Archway Gyratory. The footway is wide and contains a large clearance between the electrical cabinet to the back, and litter bins lining the front of the footway. This gives it a spacious feel in an otherwise crowded and congested area with heavy footfall.
46. A cycle lane is located circa 3.5m from the proposed kiosk location, which forms part of the aforementioned pedestrianisation of the road. While it runs past the appeal site, and there is no indication on the plans as to the orientation of the kiosk, there would be ample clearance between the lane and kiosk. A plan was included within the TfL response to consultation during the application process which showed the proposed works in that area. These appear to have been largely completed as of the site visit and I see no reason to view the kiosk as being a potential cause of safety concern to cyclists or pedestrians given this distance. The cycle lane is two-sided and straight, with views towards the kiosk at an oblique angle. Therefore, I would not consider the kiosk a risk to the safe and efficient operation of the public highway.
47. The appeal site is close to, but outside of, the St. John's Grove Conservation Area. There would be no intervisibility between the appeal site and Conservation Area itself and as such the proposal would preserve its significance in accordance with the Framework. However, the location has undergone substantial works to pedestrianize this area and as a result it is a pleasant and impressive thoroughfare for pedestrians and cyclists to avoid the busy A1 road. The path is tree-lined and there is little in the way of other street furniture, especially on this side. The installation of a kiosk of this scale, while simple in design and form, would harm the character and appearance of the streetscape and cause significant visual intrusion.
48. In conclusion, the proposed telephone kiosk would be detrimental character and appearance of the streetscene. This harm justifies the refusal of prior approval and the dismissal of appeal H.

Appeal I - Public Highway, Archway Road corner with Highgate Hill

49. The appeal site is located on an area of footpath at the convergence of a cycle path, pedestrian crossing and adjacent to a bus lane. A mature tree is in the centre point of this footway, with bollards also in place, one either side of the cycle lane. There appears to have been substantial recent redevelopment of pedestrian facilities in this location.
50. The submitted plans do not indicate which direction the kiosk would face but it appears to be orientated facing oncoming cyclists, which has the potential to cause safety issues as the lane forks to the northeast before meeting the pavement. At this point, cyclists must dismount, the safe undertaking of which would be compromised by the intrusion of a kiosk of this size and location. This is a busy convergence point between pedestrians and cyclists, and while the distance retained may meet the minimum standards as advised in the SG and PCG it does not factor in stopping time which could be

reduced should cyclists be distracted by a large structure such as this. Accordingly, it is considered the kiosk would be detrimental to the safe and efficient operation of the public highway in this location.

51. While not indicated in the refusal reason, the site is located within the Holborn Union Infirmary Conservation Area. The former hospital now hosts part of Middlesex University and forms an impressive backdrop to the appeal site. It is locally listed, and the Victorian era buildings are the defining characteristic of the area. A modern structure such as the kiosk, although it is of simple form, would not sit comfortably against the large stone buildings and tree-lined grounds of the former hospital and as such, it is considered less than substantial harm would occur. While there would be limited public benefit, such as the use of a telephone and internet access, this would not outweigh the harm identified to the heritage asset.
52. Accordingly, the siting and appearance of the proposed telephone kiosk would harm the character and appearance of the area as it relates to the Conservation Area. It would also be detrimental to the safe and efficient operation of the public highway. This harm justifies the refusal of prior approval and the dismissal of appeal I.

Appeal J - Public Highway, Highgate Hill near junction MacDonald Road

53. The appeal site is located on an area of footway on the southern side of the Holborn Union Infirmary Conservation Area, to the southeast of a bus stop and adjacent to a cycle lane. The footway contains a large amount of street furniture, including trees, streetlights and bollards and the width of the path varies. The area was very busy with a combination of cyclists and pedestrians at the time of the site visit, which alongside the busy road created a bustling urban environment.
54. There is a line of trees through the centre of the footway, with streetlights lining the front. The kiosk would be located towards the front, with a small offset to allow some clearance to the road. The siting of the kiosk in this location would lead to a slaloming effect of pedestrians navigating along this stretch of the path and force walkers towards the rear of the footway, harming the efficient operation in this sense. The kiosk also appears to be orientated towards oncoming traffic; considering there would be buses pulling out of the stop into flowing or stopped traffic at the lights it would be a dangerous distraction to drivers on a very busy road. Despite it being within the limits advised by both the SG and PCG, the siting of the kiosk in this location would therefore be of harm to the safe and efficient operation of the public highway.
55. Furthermore, the location of the kiosk in a Conservation Area would be in conflict the prevailing built characteristics of the area which is defined by the former hospital. The kiosk would be in stark contrast to its historic setting and would add to an already cluttered footway. It would therefore lead to less than substantial harm to the Conservation Area as a whole. While there would be some public benefit to the installation of a phone with internet access, this would not outweigh the harm to the heritage asset, contrary to the aims of the Framework.

56. Accordingly, the siting and appearance of the proposed telephone kiosk would harm the character and appearance of the area as it relates to the Conservation Area. It would also be detrimental to the safe and efficient operation of the public highway. This harm justifies the refusal of prior approval and the dismissal of appeal J.

Other Matters

57. In relation to all appeals, my attention has been drawn to two other appeal decisions. I do not have the full details of the other cases and so cannot determine whether the circumstances are directly comparable to the proposals before me. Notwithstanding this, I note that the other cases are within other local planning authority areas, where a different character and appearance will prevail. Moreover, the proposed kiosks have their own settings and relate to a different model given the current versions before me are described as new designs. As such, the other appeal decisions referred to are not determinative points in favour of the proposals.

Conclusion

58. For the reasons given above and having regard to all matters raised, I conclude that appeals A-J should be dismissed due to the harmful impacts from their siting and appearance.

Recommendation

59. For the reasons given above and having had regard to all other matters raised, I recommend that the appeals should be dismissed.

C McDonagh

APPEAL PLANNING OFFICER

Inspector's Decision

60. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeals are dismissed.

S Ashworth

INSPECTOR