



Appeal Decisions

Site visits made on 2 September 2019 by Thomas Courtney BA(Hons) MA

Decisions by Andrew Owen MA BA(Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16th October 2019

All Appeals

- The appeals are made under section 78 of the Town and Country Planning Act 1990 as amended 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 City of Westminster Council.
 - The development proposed in each case is a call box.
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Appeal A Ref: APP/X5990/W/18/3211330 22 Kingsway, London WC2B 6LE

- The application Ref 18/00904/TELCOM, dated 1 February 2018, was refused by notice dated 20 March 2018.
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Appeal B - Ref: APP/X5990/W/18/3211425 Covent Garden corner 1 King Street, London WC2E 8HN

- The application Ref 18/00909/TELCOM, dated 1 February 2018, was refused by notice dated 20 March 2018.
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Appeal C Ref: APP/X5990/W/18/3211599 82 Charing Cross Road, London WC2H 0BA

- The application Ref 18/00907/TELCOM, dated 1 February 2018, was refused by notice dated 20 March 2018.
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Appeal D Ref: APP/X5990/W/18/3211596 5 Upper St Martin's Lane, London WC2H 9EA

- The application Ref 18/00908/TELCOM, dated 1 February 2018, was refused by notice dated 20 March 2018.
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Appeal E Ref: APP/X5990/W/18/3211602 90 Long Acre, London WC2E 9RA

- The application Ref 18/00906/TELCOM, dated 1 February 2018, was refused by notice dated 20 March 2018.
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Appeal F Ref: APP/X5990/W/18/3211608 15-17 Long Acre, London WC2E 9LH

- The application Ref 18/00905/TELCOM, dated 1 February 2018, was refused by notice dated 20 March 2018.
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Appeal G Ref: APP/X5990/W/18/3211623
142 Long Acre, London WC2E 9AD

- The application Ref 18/00873/TELCOM, dated 1 February 2018, was refused by notice dated 20 March 2018.
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Appeal H Ref: APP/X5990/W/18/3211631
43 Charing Cross Road, London WC2H 0AP

- The application Ref 18/00872/TELCOM, dated 1 February 2018, was refused by notice dated 20 March 2018.
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Appeal I Ref: APP/X5990/W/18/3211677
68 Strand, London WC2N 5LR

- The application Ref 18/00900/TELCOM, dated 1 February 2018, was refused by notice dated 20 March 2018.
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Appeal J Ref: APP/X5990/W/18/3211678
405 Strand, London WC2R 0NE

- The application Ref 18/00899/TELCOM, dated 1 February 2018, was refused by notice dated 20 March 2018.
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Appeal K Ref: APP/X5990/W/18/3211752
Endell Street adj. 98 Long Acre, London WC2E 9NR

- The application Ref 18/00861/TELCOM, dated 1 February 2018, was refused by notice dated 20 March 2018.
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Decisions

1. All 11 appeals are dismissed.

Appeal Procedure

2. The site visits were undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. Whilst each appeal relates to a different site, the proposed call boxes on the sites are identical. The design of the proposed kiosks comprises a steel-framed kiosk, constructed with steel casings, clear polycarbonate and toughened glass, with a roof-mounted solar panel. They would be approximately 2.6m high, with a footprint of around 1.125m by 1.325m, and side panels with a width of approximately 0.55m. They would comprise a three-sided structure, open at the front with two shorter clear glazed side panels. The proposed style would be plain and simple without lettering or illumination. I have considered each proposal on its individual merits, but as they raise similar issues, the cases are dealt with in a single decision letter.
4. On 25 May 2019, the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 came into force, amending the General Permitted Development Order (GPDO). This amendment removes the permitted development right to install a public call box under Schedule 2, Part 16, Class A of the GPDO. However, transitional and saving provisions at Part 5 of the 2019 Regulations provide that where an appeal has been made within 6 months of the date of notice of refusal of a

prior approval application submitted before 25 May 2019, the planning permission granted by Schedule 2, Part 16, Class A continues to have effect in relation to a public call box as if the amendments made to the GPDO by the 2019 Regulations had not been made. That is the case in respect of the ten appeals before me.

5. As such, and as the appellant is an electronic communications code operator, the appellant is able to benefit from permitted development rights for a proposed call box under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (as amended) (GPDO), subject to the conditions in part A.3 which requires the prior approval of the local planning authority in respect of the siting and appearance of the development.
6. The provisions of the Order require the local planning authority to assess the proposed development solely on these matters. As such, considerations such as the necessity for a telephone kiosk and whether it may be used for advertising in the future are not relevant to this appeal. Indeed, paragraph 116 of the National Planning Policy Framework identifies that need for such equipment should not be questioned.
7. The issue of the inclusion of advertising on public call boxes has been considered by the High Court. A recent judgement in the Westminster case (Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd (2019) EWHC 176 (Admin)) considered the matter of dual purpose of advertisement display and telecommunications use. 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 call box 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'.
8. In the case of the appeals before me, I have taken into account the submitted Opinion of Counsel regarding this matter and the design of the proposed public call box provided. The proposed kiosk is wider than the 'traditional public call box' to provide wheelchair access, and a rear glazed panel provides maintenance access to the equipment. It is apparent that the form and design of the proposed telecommunications apparatus is driven by its proposed functionality as a public call box. I have no evidence to suggest that the proposed development includes elements that are there for the purpose of advertising. Consequently, on the basis of the evidence provided in these appeals, I consider that the proposals are for the purpose of the operator's electronic communications network, are not dual purpose, and so are able to benefit from permitted development subject to the conditions in part A.3.
9. The principle of development is established by the GPDO 2015 and the provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require the development to be judged against the policies of development plan.

Nonetheless, I have had some regard to the policies of the development plan, any related guidance and the National Planning Policy Framework only in so far as they relate to matters of siting and appearance.

Main Issues

10. The main issues are:

- the effect of the proposal's siting and appearance on the character and appearance of the surrounding area; and
- the effect of the proposal's siting and appearance on pedestrian safety.

Reasons for the Recommendations

Appeal A 22 Kingsway, London WC2B 6LE

Character and appearance

11. The appeal site is located in front of the entrance to a large King's College University building, close to the junction with Sardinia Street. This stretch of Kingsway is characterised by a mix of tall modern office blocks and historical buildings with shops occupying the ground floors. There is also the Peacock Theatre and various educational buildings in proximity. The site is immediately adjacent to the Strand Conservation Area (SCA) which includes the historic buildings overlooking the site on the opposite side of Kingsway.
12. The proposed kiosk would be close to a nearby street sign, waste bins, a lamppost, cycle stands, as well as another telephone kiosk. I recognise that the style of the proposal would be plain and functional. However, due to its greater size compared to a traditional phone box, and its height, it would appear bulky and incongruous in this setting. It would be a visually intrusive addition to the locality and lead to a cluttered streetscene when seen from various positions close to the site. Moreover, its functional design and the resultant clutter would detract from the setting of the neighbouring SCA.
13. The siting and appearance of the development would therefore harm the character and appearance of the area including the setting of the SCA.
14. The harm arising to the setting of the SCA would be localised and, would be less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to a telephone kiosk for people with limited mobility, including wheelchair users. However, in this case, these do not outweigh the harm to the heritage asset identified.

Pedestrian safety

15. This part of Kingsway is busy with traffic and has a steady flow of pedestrians. The proposed telephone kiosk would reduce the useable width of the pavement. I note the analysis of the appellant's highways consultant that the proposal would accord with Transport for London's Pedestrian Comfort Guidance and would not compromise pedestrian intervisibility or safety. Nonetheless, given the busy pedestrian flows, and the prevalence of other street furniture nearby, I consider that the proposal's siting would impede pedestrian movement and adversely affect pedestrian safety.

Appeal B: Covent Garden corner 1 King Street, London WC2E 8HN

Character and appearance

16. The appeal site is located on the corner of King Street and Covent Garden, in a very busy tourist area. It is within the Covent Garden Conservation Area (CGCA) and in close proximity to several listed buildings including the Church of St Paul which is a Grade I Listed building, the Covent Garden Market Building (Grade II*), 43 King Street (Grade II*), No 40 King Street (Grade II) and Nos. 41-42 King Street (Grade II). The setting of the listed buildings is largely provided by the openness and historic character of the pedestrianised part of Covent Garden, and this open plaza is the focus of the CGCA.
17. The proposed kiosk would be sited close to a row of bollards marking the edge of King Street and the pedestrianised area around Covent Garden, a nearby lamppost, as well as wooden ornamental benches planted with bushes and flowers. I recognise that the style of the proposal would be plain and functional. However, due to its size and its height, it would appear bulky and incongruous in this setting. It would be a visually intrusive addition to the locality and lead to a cluttered streetscene when seen from various positions around Covent Garden and King Street. Moreover, its functional design and the cluttered impact on the open character of Covent Garden, would detract from the setting of the listed buildings and the character and appearance of the CGCA.
18. The siting and appearance of the development would therefore harm the character and appearance of the area including the CGCA and the setting of the listed buildings.
19. The harm arising to the setting of the listed building and the character and appearance of the CGCA would be less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to a telephone kiosk for people with limited mobility, including wheelchair users. However, in this case, these do not outweigh the harm to the heritage assets identified.

Pedestrian safety

20. The proposed telephone kiosk would reduce the width of the useable pavement and although Covent Garden is a pedestrianised area, the existing street furniture directs pedestrians towards the proposed position of the box. I note the analysis of the appellant's highways consultant, that the proposal would accord with Transport for London's Pedestrian Comfort Guidance, but this is based on pedestrian flow near the site being low, which was not what I observed at my site visit. Given the busy pedestrian flows and the prevalence of other street furniture nearby, I consider that the proposal's siting would impede pedestrian movement and adversely affect pedestrian safety.

Appeal C: 82 Charing Cross Road, London WC2H 0BA

Character and appearance

21. The site is located on the outer edge of a section of pavement along Charing Cross Road, close to the junction with Litchfield Street. This stretch of road is a busy shopping and entertainment district characterised by historical buildings and a few post-war brick-built modern residential blocks of apartments.

Directly opposite the site is the Grade II listed former Welsh Presbyterian Church at 83 Charing Cross Road which is a prominent and distinctive building in the street scene. The site is also very close to the boundaries of Covent Garden Conservation Area and Chinatown Conservation Area to the south, and Soho Conservation Area to the north, whose settings here are all influenced by the generally uncluttered street.

22. The proposed kiosk would be close to two existing kiosks, a nearby lamppost, two public bins, as well as a traffic light on the corner with Litchfield Street, all of which are also outside the aforementioned conservation areas. I recognise that the style of the proposal would be plain and functional. However, due to its size and its height, it would appear bulky and incongruous in this setting. It would be a visually intrusive addition to the locality and lead to a cluttered streetscene when seen from various positions along Charing Cross Road. Moreover, its functional design would impact on views of the listed building and so detract from its setting, and the cluttered effect would detract from the setting of the conservation areas.
23. The siting and appearance of the development would therefore harm the character and appearance of the area including the settings of the conservation areas and the listed building.
24. The harm arising to the setting of these heritage assets would be localised and less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to a telephone kiosk for people with limited mobility, including wheelchair users. However, in this case, these do not outweigh the harm to the heritage assets identified.

Pedestrian safety

25. This part of Charing Cross Road is busy with traffic, and a steady flow of pedestrians. Given the proximity of Covent Garden, Leicester Square and the numerous restaurants, shops, and theatres in the vicinity of the site, it is anticipated that those flows would increase at peak leisure times.
26. The proposed telephone kiosk would reduce the width of the useable pavement. According to the primary test provided by the appellant for establishing the suitability of the appeal site, (derived from the Transport for London document Pedestrian Comfort Guidance) it is suggested that even if the pedestrian flow is moderate, the footway should be 4.2m in width rather than 3.8m as shown on the plans. The tertiary test also shows that the proposed box would be wider than the existing call box a short distance to the north and so worsen the pedestrian environment. As such, the appellant's own evidence suggests that the siting of the proposal is inappropriate. Therefore, and given the busy pedestrian flows, I consider that the proposal's siting would impede pedestrian movement and adversely affect pedestrian safety.

Appeal D: 5 Upper St Martin's Lane, London WC2H 9EA

Character and appearance

27. The proposed telephone kiosk would be sited on an area of pavement adjacent to the side of Orion House, a large and tall modern office block at 5 Upper St Martin's Lane. The surrounding area is characterised by a mix of modern office

blocks and historical buildings, some of which have pubs, restaurants and shops on the ground floor.

28. The proposed kiosk would be close to two existing phone boxes and other elements of street furniture such as bollards and lampposts. I recognise that the style of the proposal would be plain and functional. However, due to its wider width than the existing boxes and contrasting design, it would appear incongruous in this setting. It would be a visually intrusive addition to the locality and, with the existing items of street furniture, would lead to a cluttered streetscene. The siting and appearance of the development would therefore harm the character and appearance of the area.

Pedestrian safety

29. During the time of my site visit, the street was very busy with pedestrians travelling past the appeal site to the restaurants, shops, and offices in the vicinity. There are large stone pillars associated with Orion House which protrude out onto the footway adjacent to the site, as well as tables and chairs associated with the nearby café that are laid out next to the existing phone boxes. These elements constrain existing pedestrian flow.
30. The proposed telephone kiosk would reduce the useable width of the pavement and, would exacerbate pedestrian congestion on the already constrained footway. Given the busy pedestrian flows here, I consider that the proposal would impede pedestrian movement and adversely affect pedestrian safety.

Appeal E: 90 Long Acre, London WC2E 9RA

Character and appearance

31. The proposed telephone kiosk would be sited on a stretch of pavement along the north side of Long Acre, between the junctions with Endell Street and Arne Street. It lies slightly to the side of the stairs leading to the front entrance of First Chicago House, a large tall modern office building. The stretch of Long Acre on which it is located is characterised by a mix of the modern office block on the north side and the lower-rise historical buildings with pubs, restaurants and shops on the ground floor on the south side. This south side of Long Acre is within the Covent Garden Conservation Area (CGCA). Views of the attractive facades of the historical buildings in the CGCA are possible because this stretch of pavement is relatively devoid of street furniture. This contributes to the setting of the CGCA.
32. I recognise that the style of the proposal would be plain and functional. However, due to its size and its height in a mostly uncluttered location, it would appear bulky and incongruous in this setting. It would be a visually intrusive addition to the streetscene when seen from various positions along the road. Moreover, its presence in an otherwise tidy street scene would detract from the setting of the CGCA.
33. The siting and appearance of the development would therefore harm the character and appearance of the area including the setting of the CGCA.
34. The harm arising to the setting of the CGCA would be localised and less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to a telephone kiosk for people with limited mobility, including

wheelchair users. However, in this case, these do not outweigh the harm to the heritage asset identified.

Pedestrian safety

35. During the time of my site visit, the street was very busy with pedestrians. In particular there were a number of static pedestrians congregating at the foot and to the side of the stairs leading to the entrance of the First Chicago House. At peak times, I would anticipate there to be a significant number of workers leaving or entering these adjacent offices.
36. The proposed telephone kiosk would reduce the useable width of the pavement. I note the analysis of the appellant's highways consultant that the proposal would accord with the Pedestrian Comfort Guidance produced by Transport for London and would not compromise pedestrian intervisibility or safety. Nonetheless, given the busy pedestrian flows, particularly at peak commuting times, I consider that the proposal would impede pedestrian movement and adversely affect pedestrian safety.

Appeal F: 15-17 Long Acre, London WC2E 9LH

Character and appearance

37. The appeal site is located in front of the entrance to a large retailer along Long Acre, close to the junction with Slingsby Place. This stretch of road is a busy commercial district characterised by a mix of modern and historical buildings of approximately four to five storeys, generally with shops occupying the ground floors.
38. The site is close to Covent Garden Conservation Area (CGCA) which borders the flank of 15-17 Long Acre along a narrow passageway known as Conduit Court. It is also located a short distance east of 12-14 Long Acre, which is a Grade II Listed building with an ornate shop frontage.
39. The proposed kiosk would be close to an existing kiosk, a bollard, and a lamppost. There is also a bollard, lamppost and a public information map panel on the direct opposite side of the street. I recognise that the style of the proposal would be plain and functional. However, its design would contrast with the other street furniture, including the kiosks, and it would appear bulky and incongruous in this setting. It would be a visually intrusive addition to the streetscene when seen from various positions along the road. Moreover, the resultant collection of furniture here would contrast with the more uncluttered character of the CGCA and so would detract from its setting. It would also detract from views of the historic frontage of the nearby listed building, harming its setting.
40. The siting and appearance of the development would therefore harm the character and appearance of the area including the setting of the CGCA and the listed building.
41. The harm arising to the setting of the heritage assets would be localised and less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to a telephone kiosk for people with limited mobility, including wheelchair users. However, in this case, these do not outweigh the harm to the heritage assets identified.

Pedestrian safety

42. This part of Long Acre is busy with traffic and has a high flow of pedestrians. The proposed telephone kiosk would reduce the effective width of the pavement. I note the analysis of the appellant's highways consultant that the proposal would accord with the Pedestrian Comfort Guidance and would not compromise pedestrian intervisibility or safety. Nonetheless, given the busy pedestrian flows and the presence of existing street furniture, I consider that the proposal would impede pedestrian movement and adversely affect pedestrian safety.

Appeal G 142 Long Acre, London WC2E 9AD

Character and appearance

43. The appeal site is located on an area of pavement adjacent to 142 Long Acre. The stretch of Long Acre on which it is located is characterised by a mix of commercial buildings including pubs, restaurants and shops. It is a busy shopping area with a large amount of pedestrian footfall.
44. The site is on the opposite side of Long Acre to Covent Garden Conservation Area (CGCA). This stretch of pavement is relatively devoid of street furniture. Although the design of the public call box is simple and functional, it is larger than a traditional phone box and it would appear incongruous and bulky in its setting. It would be a visually intrusive addition to the streetscene when seen from various positions along the road. Moreover, the introduction of the box would contrast with the uncluttered character of the CGCA and so would detract from its setting.
45. The siting and appearance of the development would therefore harm the character and appearance of the area including the setting of the CGCA.
46. The harm arising to the setting of the CGCA would be localised and less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to a telephone kiosk for people with limited mobility, including wheelchair users. However, in this case, these do not outweigh the harm to the heritage asset identified.

Pedestrian safety

47. The site is located on the pavement of a wide and fairly straight stretch of highway with minimal other street furniture. The proposed kiosk would not be located in proximity to any highway junctions or pedestrian crossings. Given this, I do not consider that the proposal's siting would impede pedestrian movement or adversely affect pedestrian safety.
48. However, the lack of harm to pedestrian safety in this case does not outweigh the harm that would be caused to the character and appearance of the area including the setting of the nearby CGCA.

Appeal H: 43 Charing Cross Road, London WC2H 0AP

Character and appearance

49. The appeal site is located on the outer, roadside edge of a relatively narrow pavement, along Charing Cross Road, close to the junction with Little Newport Street and just north of one entrance to Leicester Square Underground station.
50. The site is within the Leicester Square Conservation Area (LSCA) and close to Covent Garden Conservation Area (CGCA), which includes the eastern side of Charing Cross Road, and Chinatown Conservation Area (CCA), which incorporates the buildings on the northern side of Little Newport Street. Furthermore, the appeal site lies directly outside the grade II listed building comprising the (former) Crown Public House and the London Hippodrome Theatre.
51. In the vicinity of the appeal site are three waste bins and a lamppost. I recognise that the style of the proposal would be plain and functional. However, it would be larger than these other items of street furniture and so would contrast with them and appear as a bulky and incongruous feature in this setting. It would be a visually intrusive addition to the locality and, with the existing items of street furniture, would lead to a cluttered streetscene. Moreover, its incongruity in its context would harm the character and appearance of the LSCA. It would also detract from views of the historic frontage of the adjacent listed building, harming its setting, and harming the setting of the CGCA and the CCA.
52. The siting and appearance of the development would therefore harm the character and appearance of the area including the LSCA and the settings of the listed building, the CGCA and the CCA.
53. The harm arising to the heritage assets would be localised and less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to a telephone kiosk for people with limited mobility, including wheelchair users. However, in this case, these do not outweigh the harm to the heritage assets identified.

Pedestrian safety

54. I observed a busy traffic flow, and a high pedestrian flow along the pavement and past the site. Given the large nearby tourist attractions and retail facilities, and the appeal site's proximity to Leicester Square station, a substantial footfall in the area is likely at all times.
55. The proposed telephone kiosk would reduce the effective width of the pavement. According to the primary test provided by the appellant for establishing the suitability of the appeal site, (derived from the Transport for London document Pedestrian Comfort Guidance) it is suggested that the footway should be 5.3m in width rather than 4.4m as shown on the plans. The tertiary test also shows that the proposed box would be wider than the existing waste bins and therefore a worsening of the pedestrian environment. As such, the appellant's own evidence suggests that the siting of the proposal is inappropriate. Therefore, and given the busy pedestrian flows, I consider that the proposal's siting would impede pedestrian movement and adversely affect pedestrian safety.

Appeal I: 68 Strand, London WC2N 5LR

Character and appearance

56. The appeal site is located on an area pavement in front of a parade of shops and restaurants in a busy shopping district. It is on the southern side of The Strand, diagonally opposite the Grade II listed Adelphi Theatre. The site is also within the Trafalgar Square Conservation Area (TSCA) and opposite the Covent Garden Conservation Area (CGCA).
57. This stretch of pavement is relatively devoid of street furniture as the street lights are along the centre of the road, albeit there are public bins nearby and a bus stop approximately 10 to 15 metres to the west of the appeal site. There are no modern public telephone kiosks in the vicinity, instead I only observed traditional red phone booths further along the Strand. The minimal amount of street furniture allows for an ease of pedestrian flow and an uncluttered view of the listed building.
58. Although the design of the public call box is simple and functional, it would appear as an incongruous feature in its uncluttered immediate context, and would contrast with the traditional design of the phones boxes in the wider context. It would be a visually intrusive addition to the streetscene when seen from various positions along this long road. Moreover, the introduction of the box would contrast with, and detract from, the uncluttered character of this part of the street which contributes to the character and appearance of the TSCA and the setting of the CGCA. It would also detract from views of the frontage of the listed building opposite, harming its setting.
59. The siting and appearance of the development would therefore harm the character and appearance of the area including the TSCA and the settings of the listed building and the CGCA.
60. The harm arising to the heritage assets would be localised and less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to a telephone kiosk for people with limited mobility, including wheelchair users. However, in this case, these do not outweigh the harm to the heritage assets identified.

Pedestrian safety

61. This part of the Strand is busy with a steady flow of pedestrians. Given the proximity of Covent Garden and Trafalgar Square as major tourist attractions, as well as the retail and entertainment opportunities in the vicinity of the site, it is anticipated that those flows and congregations would increase at peak leisure times.
62. The proposed telephone kiosk would reduce the width of the useable pavement. I note the analysis of the appellant's highways consultant that the proposal would accord with the Pedestrian Comfort Guidance and would not compromise pedestrian intervisibility or safety. Nonetheless, given the very busy pedestrian flows, I consider that the proposal would impede pedestrian movement and adversely affect pedestrian safety.

Appeal J: 405 Strand, London WC2R 0NE

Character and appearance

63. The appeal site is located on an area pavement in front of a parade of shops and restaurants in a busy shopping district. It lies on the northern side of the Strand, adjacent to the Grade II listed Vaudeville theatre at no. 403. The site is also within the Covent Garden Conservation Area (CGCA) and close to Trafalgar Square Conservation Area (TSCA) which incorporates the southern side of the Strand to the south west of the site.
64. This stretch of pavement is relatively devoid of street furniture as the street lights are down the centre of the road. There are no modern public telephone kiosks in the vicinity, instead I only observed traditional red phone booths in the site's vicinity. The minimal amount of street furniture characterises this stretch of pavement and allows for an ease of pedestrian flow and an uncluttered view of the listed building.
65. I recognise that the style of the proposal would be plain and functional. However, it would appear as an incongruous feature in its uncluttered immediate context, and would contrast with the traditional design of the phones boxes in the wider context. It would be a visually intrusive addition to the streetscene when seen from various positions along this long road. Moreover, the introduction of the box would contrast with, and detract from, the uncluttered character of this part of the street which contributes to the character and appearance of the CGCA and the setting of the TSCA. It would also detract from views of the frontage of nearby listed building, harming its setting.
66. The siting and appearance of the development would therefore harm the character and appearance of the area including the CGCA and the settings of the listed building and the TSCA.
67. The harm arising to the heritage assets would be localised and less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to a telephone kiosk for people with limited mobility, including wheelchair users. However, in this case, these do not outweigh the harm to the heritage assets identified.

Pedestrian safety

68. This part of the Strand is busy with a steady flow of pedestrians. Given the proximity of Covent Garden and Trafalgar Square as major tourist attractions, as well as the retail and entertainment opportunities in the vicinity of the site, it is anticipated that those flows and congregations would increase at peak leisure times, particularly when shows at the Vaudeville theatre are finishing.
69. The proposed telephone kiosk would reduce the width of the useable pavement. I note the analysis of the appellant's highways consultant that the proposal would accord with the Pedestrian Comfort Guidance and would not compromise pedestrian intervisibility or safety. Nonetheless, given the very busy pedestrian flows, particularly at times when the Vaudeville theatre is closing, I consider that the proposal would impede pedestrian movement and adversely affect pedestrian safety.

Appeal K: Endell Street adj. 98 Long Acre, London WC2E 9NR

Character and appearance

70. The proposed telephone kiosk would be sited on the corner of the junction between Long Acre and Endell Street, which also connects into Bow Street, and would be adjacent to a post-war brick-built housing estate with a ground floor retail unit.
71. The site is on the opposite side of Long Acre to the Covent Garden Conservation Area (CGCA). There are currently attractive views of the facades of the historical buildings on Long Acre when approaching in a southerly direction from Endell Street. The proposed kiosk would be close to an existing bollard and nearby signpost, as well as other elements of street furniture.
72. I recognise that the style of the proposal would be plain and functional. However, due to its size it would appear bulky, and its location on the corner of a busy junction would give the proposed kiosk particular prominence. It would appear incongruous in this setting and would be a visually intrusive addition to the locality adding clutter to the area when seen from various positions around this junction. Moreover, the resultant cluttered effect would detract from the setting of the CGCA.
73. The siting and appearance of the development would therefore harm the character and appearance of the area including the setting of the CGCA.
74. The harm arising would be localised and, in respect of the significance of the heritage asset, would be less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to a telephone kiosk for people with limited mobility, including wheelchair users. However, in this case, these do not outweigh the harm to the heritage asset identified.

Pedestrian safety

75. The area is busy with pedestrians as there are many offices, restaurants and dwellings in the vicinity of the site. It is anticipated that those flows and congregations would increase at peak commuting and leisure times. On my site visit, I noticed a significant amount of pedestrians were not using the designated pedestrian crossing and were instead crossing Endell Street precisely at the point where the kiosk would be located.
76. The proposed telephone kiosk would reduce the width of the useable pavement at this busy junction. Though I note the analysis of the appellant's highways consultant that the proposal would accord with the Pedestrian Comfort Guidance and would not compromise pedestrian intervisibility or safety, this does not account for the other street furniture on this corner. Therefore, given the busy pedestrian flows and the fact that many people cross the junction at this point, I consider that the proposal would impede pedestrian movement and adversely affect pedestrian safety.

Other Matters

77. My attention has been drawn to several other appeal decisions. I do not have the full details of the other cases and so cannot determine whether the circumstances are analogous to the proposals before me. Notwithstanding this, some of the other cases are within other local planning authority areas, and

each site has its own setting. As such, the other appeal decisions referred to are not determinative points in favour of the proposal.

78. The appellant states the term 'clutter' would suggest the public call box is not needed. However, need and clutter are different considerations, and whilst the need for the boxes in principle is not disputed, the effect of their siting on their context is a matter that needs consideration.

Overall Conclusions

79. In all cases I have found the siting and appearance of the boxes would harm the character and appearance of their surroundings. In addition, in all cases except Appeal G, I have found the proposal's siting would be detrimental to pedestrian safety, and in that particular case the lack of harm to pedestrian safety does not outweigh the harm that would be caused to the character and appearance of that particular area.
80. In my considerations, I have had regard to Policies S28 of Westminster's City Plan (2016)(WCP) and Policies DES1 and DES7 of the Westminster Unitary Development Plan (2007) (UDP) which all require a high quality of design of development; WCP policy S41 and UDP Policy TRANS3 which both seek to ensure a safe pedestrian environment, and WCP policy S25 and UDP policies DES9 and DES10 which all aim to ensure the character and appearance of heritage assets are preserved.

Recommendation

81. For the reasons given above and having had regard to all other matters raised, I recommend that all 11 appeals should be dismissed.

Thomas Courtney

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR