



Appeal Decisions

Site visits made on 2 September 2019 by Darren Ellis MPlan

Decision by Susan Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd December 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 decision of the London Borough of Wandsworth.
 - The development proposed in each case is installation of a public call box.
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Appeal A Ref: APP/H5960/W/19/3225553

Public Highway, 262 Mitcham Lane, London, SW16 6NU

- The application Ref 2018/3830, dated 6 August 2018, was refused by notice dated 28 September 2018.
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Appeal B Ref: APP/H5960/W/19/3225554

Public Highway, 43 Tooting Bec Road, London, SW17 8BS

- The application Ref 2018/3943, dated 6 August 2018, was refused by notice dated 18 October 2018.
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Appeal C Ref: APP/H5960/W/19/3229175

Public Highway, adjacent to 144 Mitcham Road, London, SW17 9NH

- The application Ref 2018/4771, dated 1 October 2018, was refused by notice dated 22 November 2018.
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Appeal D Ref: APP/H5960/W/19/3229176

Public Highway, 372 Garrett Lane, London, SW18 4ES

- The application Ref 2018/4772, dated 1 October 2018, was refused by notice dated 22 November 2018.
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Appeal E Ref: APP/H5960/W/19/3229179

Public Highway, 388 Garrett Lane, London, SW18 4HP

- The application Ref 2018/4773, dated 1 October 2018, was refused by notice dated 22 November 2018.
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Appeal F Ref: APP/H5960/W/19/3229202

Public Highway, 153 Mitcham Road, London, SW17 9PG

- The application Ref 2018/4735, dated 1 October 2018, was refused by notice dated 23 November 2018.
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Appeal G Ref: APP/H5960/W/19/3229206

Public Highway, 74 Mitcham Road, London, SW17 9NA

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- The application Ref 2018/4736, dated 1 October 2018, was refused by notice dated 23 November 2018.
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Appeal H Ref: APP/H5960/W/19/3229207

Public Highway, Mitcham Lane in front of 4 Bank Buildings, London, SW16 6LY

- The application Ref 2018/4765, dated 1 October 2018, was refused by notice dated 23 November 2018.
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Appeal I Ref: APP/H5960/W/19/3229212

Public Highway, 130 Mitcham Road, London, SW17 9NH

- The application Ref 2018/4769, dated 1 October 2018, was refused by notice dated 23 November 2018.
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Appeal J Ref: APP/H5960/W/19/3229213

Public Highway, Mitcham Road near junction Bevill Allen Close, SW17 8PX

- The application Ref 2018/4770, dated 1 October 2018, was refused by notice dated 23 November 2018.
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Decisions

1. Appeals A-J are dismissed.

Appeal Procedure

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

Procedural Matters and Background

3. As set out above, there are ten separate appeals for the installation of an electronic communications apparatus comprising a public call box pursuant to Class 16 of the Town and Country Planning (General Permitted Development) Order 2015 (the GPDO). Whilst each appeal relates to a different site, the proposed call boxes on the sites are identical. I have considered each proposal on its individual merits, but as they raise similar issues, the cases are dealt with in a single decision letter.
4. As an electronic communications code operator, the appellant benefits from deemed planning permission for a proposed call box under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) of the Town and Country Planning (General Permitted Development) Order 2015, subject to prior approval by the local planning authority of siting and appearance.
5. The provisions of the GPDO require the local planning authority to assess the proposed development solely upon the basis of its siting and appearance, taking into account any representations received. My determination of these appeals has been made on the same basis.
6. The proposed call boxes are relatively simple, thin, freestanding structures with a canopy which serves as a shelter, and is made of the solar panels that will power the payphone. In addition, the widest faces of the call box incorporate photovoltaic glass to maximise the energy generating potential. LED lighting strips on the outside edges of the call box are included for safety purposes,

solely to identify the edge of the structure on the pavement during hours of darkness and will be in a customisable contrasting colour. The submitted details indicate that the overall colour of the call box is customisable, but would typically be 'gun metal' grey or black, and will have a 'sheen' through the integral use of toughened glass and photovoltaic glass in the structure.

7. The High Court has considered the issue of the inclusion of advertising on public call boxes. A recent judgement in the Westminster¹ 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.
8. 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'.
9. In the case of the appeals before me, I have taken into account the submitted Opinion of Counsel regarding this matter and the description of the proposed call boxes provided. It is apparent that the form and design of the proposed telecommunications apparatus is driven by its proposed functionality as a public call box. I have no evidence to suggest that the proposed development includes elements that are there for the purpose of advertising. Consequently, on the basis of the evidence provided in these appeals, I consider that the proposals are for the purpose of the operator's electronic communications network.
10. As the principle of development is established, considerations such as need for the call boxes are not relevant matters. The Council determined that prior approval was required and refused.
11. The provisions of Schedule 2, Part 16, Class A of the GPDO 2015 do not require regard be had to the development plan. I have had regard to the policies of the development plan, any related guidance and the National Planning Policy Framework (Framework) only in so far as they are a material consideration relevant to matters of siting and appearance.
12. I note that no indication has been provided as to the precise orientation of the call boxes in each case. As such, I have determined the appeals with reference to the identified location on the appellant's submitted location plans.

Main Issues

13. The main issues are:

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

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- In each case, the effect of the siting and appearance of each call box on the character and appearance of the area and additionally, in the case of Appeal G, the effect on the setting of a listed building; and
 - In each case, the effect of the siting and appearance of each call box on the safe and efficient operation of the highway.

Reasons for the Recommendation

Appeal A - Public Highway, 262 Mitcham Lane

14. The appeal site is located on the pavement outside a parade of ground floor shops with residential accommodation above. Outside of this immediate environment, the character of the area is residential.
15. The pavement close to the site hosts tall street lighting columns, trees, bollards, a freestanding advertising hoarding, two phone boxes, a post box, metal utilities cabinets and bicycle stands.
16. I recognise that the style of the call box would be plain and simple, however the pavement is already cluttered with the aforementioned elements and the addition of the mass of the proposed approximately 3.1m high call box would cumulatively result in an increasingly cluttered appearance to the pavement and wider street scene. Therefore, the proposed call box would harm the character and appearance of the area.
17. During the time of my site visit, the street was moderately busy with traffic travelling past the appeal site along both carriageway directions. I have seen nothing to suggest my observations are untypical. The area around the appeal site was moderately busy with pedestrians although in this particular location the pavement is around 10m wide.
18. Whilst I have noted the Council's concern that insufficient evidence has been submitted about the precise details of siting of the structure, it is clear from the plans before me that the proposed call box would be located close to the outer edge of the pavement and would reduce the width of the pavement. However I note the appellant's analysis that shows that the proposal would accord with the Streetscape Guidance produced by Transport for London (TfL) (SG) (2017). I have no reason to disagree. Moreover, while the area immediately in front of the retail units is available for off-street parking, the proposed call box would generally be in alignment with the existing street furniture. Consequently, I am satisfied that a sufficient width of pavement would remain and that the call box would not cause an undue obstruction of the pavement and therefore would not adversely affect the safe and efficient operation of the highway.

Appeal B - Public Highway, 43 Tooting Bec Road

19. The appeal site is located on the pavement outside a Sainsburys Local with residential accommodation above. The stretch of Tooting Bec Road surrounding the site is a mix of commercial and residential properties.
20. The pavement close to the site hosts tall street lighting columns and portable advertising board for the supermarket.
21. I recognise that the style of the call box would be plain and simple, however the aforementioned elements are slender and relatively discreet whereas the

proposed call box would be a bulky addition to the street scene. When approaching the site from both the north-westerly and south-easterly directions along the street, the addition of the mass of the proposed approximately 3.1m high call box would result in an increasingly cluttered appearance to the pavement and wider street scene. Therefore, the proposed call box would harm the character and appearance of the area.

22. During the time of my site visit, the street was busy with traffic travelling past the appeal site along both carriageway directions. I have seen nothing to suggest my observations are untypical. Whilst the appellant calculates that pedestrian flow levels in the vicinity are low, there is no evidence to support this conclusion. At the time of my visit, the area around the appeal site was moderately busy with pedestrians.
23. The proposed call box would be located adjacent to the low wall of the forecourt of the supermarket and would reduce the width of the pavement. The SG requires at least 2m of unobstructed pavement space to be provided. However, the proposed call box would leave 1.675m of pavement space. The proposed call box would not be in alignment with the existing street lighting columns and, given the proximity of the proposed call box to the nearest street lighting column, the proposed call box would create a pinch point. For these reasons the proposed call box would reduce the width of the pavement enough to cause an obstruction to the pavement and consequently the proposed call box would adversely affect the safe and efficient operation of the highway.

Appeal C - Public Highway, adjacent to 144 Mitcham Road

24. The appeal site is located on the pavement outside a construction site that is adjacent to the Iceland superstore, and is on the corner of the junction with Bickersteth Road. The stretch of Mitcham Road surrounding the site primarily comprises ground floor commercial units with residential flats above.
25. The pavement close to the site hosts tall street lighting columns, metal railings and bicycle stands. It is noted that visible from the site are an InLink unit, that houses a public telephone and digital advertising screens, and two existing phone boxes, one with an ATM. However, these are sufficient distances from the site so that they do not have a significant impact on the visual appearance and character of the appeal site.
26. The Council lists three Listed Buildings and one locally listed building in the vicinity of the appeal site. The Grade II Listed Church of St Nicholas is not visible from the appeal site and therefore the proposed call box is not within the setting of the Church. The Grade II Listed Parish Pump is located on the opposite side of the road to the appeal site, and approximately 56 metres to the north of the site. In the immediate vicinity of the Parish Pump are a road speed limit sign, an information board, street lighting columns and three trees. Given the distance between the appeal site and the Parish Pump, together with the existing street furniture surrounding the Parish Pump, the proposed call box would not have a significant impact on the setting of the listed heritage asset.
27. Only the top of the tower of the Grade II Listed Church of St Boniface is visible from the appeal site, which combined with the distance between the Church and the appeal site results in the proposal not have a significant effect on the setting of the listed building. Similarly, there are very limited views of the

locally listed Long Room Bar & Hotel from the appeal site, which combined with the distance between the appeal site and the Long Room would prevent the proposal from having a significant impact on the setting of the locally listed building.

28. Notwithstanding this, the approximately 3.1m high proposed call box would be a bulky addition to the street scene. Together with the aforementioned elements the additional mass of the proposed call box would cumulatively result in an increasingly cluttered appearance to the pavement and wider street scene. Therefore, the proposed call box would harm the character and appearance of the area.
29. During the time of my site visit, the street was busy with traffic travelling past the appeal site along both carriageway directions. I have seen nothing to suggest my observations are untypical. Although I note the parties disagree about the level of footfall along the street at this point, there is no substantive evidence before me about the matter. At the time of my visit, the area around the appeal site was moderately busy with pedestrians.
30. The proposed call box would be located close to the outer edge of the pavement and would reduce the width of the pavement. The proposed call box would be a sufficient distance from the pedestrian crossing point that it would not cause an undue obstruction to pedestrians using the crossing and in addition it would generally be in alignment with the existing street furniture. Moreover, given the width of the existing pavement I am satisfied that a sufficient width of pavement would remain and as such pedestrian footfall would not be unduly impeded. Consequently, whilst I have taken into consideration the Council's concerns about the effect of the proposal the call box would not cause an undue obstruction of the pavement and therefore would not be harmful to highway safety.
31. I understand that the site lies within an area covered by a planned town centre improvement scheme although no details of that scheme or its timetable for implementation are before me. I therefore cannot make an assessment on how the proposal would affect the improvements and as such the matter does not add to my conclusion.

Appeal D - Public Highway, 372 Garrett Lane

32. The appeal site is located outside an estate agent, close to the Earlsfield railway station and within the Earlsfield Local Centre. The buildings in the area are mainly commercial at ground floor with residential accommodation above. The site is located at the junction with Magdalen Road, with vehicles using this junction controlled by traffic lights. During the time of my site visit, the road was busy with traffic travelling past the appeal site along each direction and the pavements were busy with pedestrians. I have no evidence to suggest that these observations are unusual.
33. There are traffic lights, a tall lighting column, metal utilities cabinets and bicycle stands within the pavement in close proximity to the appeal site. The design of the call box would be plain and simple, however the additional mass of the proposed approximately 3.1m high call box would, together with the aforementioned elements, cumulatively result in an increasingly cluttered appearance to the pavement and wider street scene. Therefore, the proposed call box would harm the character and appearance of the area.

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34. The proposed call box would be located close to the outer edge of the pavement and would reduce the width of the pavement, however I note the appellant's analysis that shows that a pavement width of 3.125m would remain and that the proposal would therefore accord with the SG. The proposed call box would generally be in alignment with the existing street furniture, and I am satisfied that a sufficient width of pavement would remain and that the call box would not cause an undue obstruction of the pavement and therefore would not harm highway safety.
35. I understand that the site lies within an area that would form a Quietway, however no details of the Quietway have been submitted. I therefore cannot make an assessment on how the proposal would affect the Quietway and as such the Quietway is not determinative in this appeal.

Appeal E - Public Highway, 388 Garrett Lane

36. This stretch of Garrett Lane also comprises ground floor commercial units with residential flats above, with the appeal site located outside a betting shop. I observed that the street was moderately busy with traffic travelling past the appeal site along both directions. The area around the appeal site was moderately busy with pedestrians, and I have seen nothing to suggest my observations are untypical.
37. The pavement close to the site hosts slender trees, road signage, a post box and bicycle stands. I recognise that the style of the call box would be plain and simple, however, the aforementioned elements are slender and relatively indiscreet whereas the proposed call box, which would be approximately 3.1m in height, would be a bulky addition to the street scene. Together with the existing street furniture, the cumulative result would be an increasingly cluttered appearance to the pavement and wider street scene to the detriment of the character and appearance of the area.
38. The proposed call box would be located close to the outer edge of the pavement and would reduce the width of the pavement, however I note the appellant's analysis that shows that the proposal would accord with the SG with 3.925m of remaining pavement. The proposed call box would generally be in alignment with the existing street furniture and the remaining width of pavement would be sufficient to prevent the call box from causing an undue obstruction of the pavement, and consequently there would not be any harm to highway safety.

Appeal F - Public Highway, 153 Mitcham Road

39. The appeal site is located on the pavement outside the offices for an insurance company with residential accommodation above, and on the edge of an open area with benches. The stretch of Mitcham Road surrounding the site primarily comprises ground floor commercial units with residential accommodation above.
40. Mitcham Road was busy with traffic travelling past the appeal site in both directions during the time of my site visit. The pavements around the appeal site were moderately busy with pedestrians, with nothing to suggest these observations are unusual given the commercial nature of the area. There are metal utilities cabinets, a tall street lighting column, trees, bollards, a litter bin and road signs within the pavement surrounding the appeal site. The litter bin

has been relocated since the photograph provided by the appellant showing the proposed position of the call box, and it appears that the call box would occupy some or all of the area taken by the relocated litter bin.

41. The call box would be plain and simple in design and would be in alignment with the existing phone box and litter bin. However, the cumulative result of the proposed approximately 3.1m high call box together with the aforementioned elements would be a cluttered appearance to the pavement and wider street scene. Consequently, the proposed call box would harm the character and appearance of the area.
42. The appeal site is located in the vicinity of three Listed Buildings. The Grade II Listed Church of St Nicholas and Grade II Listed Church of St Boniface are not visible from the appeal site and therefore the proposed call box is not within the setting of these listed buildings. The Grade II Listed Parish Pump is located within the pavement approximately 36 metres to the north-west of the appeal site. Existing street furniture in the immediate vicinity of the Parish Pump includes a road speed limit sign, an information board, street lighting columns and three trees. These elements would provide a degree of screening between the Parish Pump and the proposed call box. Given the distance between the appeal site and the Parish Pump, together with the existing street furniture surrounding the Parish Pump, the proposed call box would not have a significant impact on the setting of the listed heritage asset.
43. The proposed call box would be located close to the outer edge of a wide pavement and would reduce the width of the pavement, and I note the appellant's analysis that shows that the proposal would leave 6.025m of pavement and that the proposal would accord with the SG. However, the trees are sited in the middle of the pavement and are on a different alignment to the existing phone box, litter bin and proposed call box, so the amount of usable pavement on either side of the trees is much less than 6.025m. The proposed siting of the call box in between the trees and the edge of the pavement would cause an obstruction to pedestrian movement, and therefore the proposal would cause harm to highway safety.
44. I understand that the site lies within an area covered by a planned town centre improvement scheme although no details of that scheme or its timetable for implementation area before me. I therefore cannot make an assessment on how the proposal would affect the improvements and as such the matter does not add to my conclusion.

Appeal G - Public Highway, 74 Mitcham Road

45. The appeal site is located outside an hairdressers shop on Mitcham Road and adjacent to the junction with Bickley Street. The surrounding area comprises ground floor commercial units with residential accommodation above.
46. During the time of my site visit, the pavement around the appeal site was busy with pedestrians, and Mitcham Road was busy with traffic travelling past the appeal site along both carriageway directions. I have no evidence to suggest my observations are untypical.
47. The proposed call box would be alongside an existing phone box, and the pavement close to the site also hosts road signs, bollards and a litter bin. The style of the proposed call box would be plain and simple, and the call box

would be largely screened from the north-west by the existing phone box. However, when approaching the site from the south-easterly direction, the combination of the approximately 3.1m high call box together with the existing street furniture would result in a cluttered appearance to the pavement and wider street scene which would cause harm to the character and appearance of the area.

48. The Grade I listed former Granada Cinema, now a bingo hall, is approximately 39m to the north-west on Mitcham Road, and the locally listed Antelope public house is on the opposite side of the junction with Bickley Street. The distance between the appeal site and the former Granada Cinema and the screening that would be provided by the existing phone box would ensure that the proposed call box would not detract from the setting of the listed building. When viewed from the north-west, the call box would be seen against the backdrop of the existing large advertising hoarding on the side of the Antelope public house, which would reduce the visual impact of the proposed call box to an acceptable level. For these reasons the proposed call box would not cause any harm to the settings of the heritage assets.
49. The proposed call box would be located close to the outer edge of the pavement and would be in very close proximity to the existing phone box. The proposed call box would reduce the width of the pavement only slightly more than the existing phone box does. The appellant's highways analysis shows that the proposal would accord with the SG by leaving a pavement width of 3.025m. However, while the proposed call box would generally be in alignment with the existing street furniture, the reduction in pavement width at that position would create a pinch point on an area of pavement in close proximity to the crossing point at Bickley Street. This pinch point would be exacerbated when customers enter or leave the hairdressers, whose entrance door would be in line with the proposed call box. For these reasons the position of the proposed call box would impinge pedestrian movement and would cause harm to pedestrian safety.
50. While the location of the proposed call box would not cause a significant additional visual impact to drivers on Mitcham Road, having the proposed call box alongside the existing phone box would create a larger 'blind spot' that could serve to diminish visibility of drivers coming out of Bickley Street when looking up Mitcham Road to the north-west. As such the proposed call box would cause harm to highway safety.
51. I understand that the site lies within an area covered by a planned town centre improvement scheme although no details of that scheme or its timetable for implementation are before me. I therefore cannot make an assessment on how the proposal would affect the improvements and as such the matter does not add to my conclusion.

Appeal H - Public Highway, Mitcham Lane in front of 4 Bank Buildings

52. The appeal site is located on the pavement adjacent to a block-paved lay-by outside a parade of shops that have residential accommodation above. Some of the pavement immediately outside the shops is used to display products sold at the shops. Outside of this immediate environment, the character of the area is residential.

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53. During the time of my site visit, the street was moderately busy with traffic travelling past the appeal site along both directions, and the pavement around the appeal site was moderately busy with pedestrians both visiting the shops and walking past. I have seen nothing to suggest my observations are untypical.
54. The pavement close to the site hosts tall street lighting columns, road signs, two small trees, bollards, a bus shelter, two phone boxes with a variety of poster and digital advertising and bicycle stands.
55. Despite the plain and simple style of the call box, the existing street furniture and shop displays have created a degree of clutter to the pavement and the addition of the mass of the proposed approximately 3.1m high call box would cumulatively result in an excessively cluttered appearance to the pavement and wider street scene. Therefore, the proposed call box would harm the character and appearance of the area.
56. The proposed call box would be located close to the outer edge of the pavement and would reduce the width of the pavement, however I note the appellant's analysis that shows that the proposal would accord with the SG with 3.425m of remaining pavement width, and would not compromise pedestrian safety. The proposed call box would generally be in alignment with the existing street furniture and I am satisfied that a sufficient width of pavement would remain and that the call box would not cause an undue obstruction of the pavement. Consequently the proposal would not be harmful to highway safety.

Appeal I - Public Highway, 130 Mitcham Road

57. The appeal site is located on the pavement outside The Long Room public house on the corner of the junction with Charlmont Road and opposite the junction with Church Lane. Outside of this immediate environment, the character of the area primarily comprises of ground floor commercial units with residential flats above.
58. The street was busy with traffic travelling past the appeal site along both carriageway directions during the time of my site visit, with the pavement around the appeal site moderately busy with pedestrians. I have no evidence to suggest my observations are unusual.
59. The pavement close to the site hosts tall street lighting columns, road signs and metal utilities cabinets. I recognise that the style of the call box would be plain and simple however the pavement is wide at the appeal site and the existing street furniture is well spread out, creating an open feel to the street. The locally listed Long Room public house is an attractive building with a low-level brick wall and a picket fence to the front which enhances the open feel of the site. When approaching the site from both the north-westerly and south-easterly direction along the street, the addition of the mass of the proposed approximately 3.1m high call box would stand out from the existing street furniture which is slender and discreet in appearance. While the proposed call box may not result in excessive clutter at the appeal site, the position of the call box would erode the open character of the immediate street scene and as such would harm the setting of the locally listed Long Room public house, as well as causing harm to the character and appearance of the wider area.

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60. The Council lists three other Listed Buildings in the vicinity of the appeal site. The Grade II Listed Church of St Boniface is not visible from the appeal site and therefore the proposed call box is not within the setting of the Church. The Grade II Listed Parish Pump is located on the opposite side of the road to the appeal site, and approximately 25m to the east of the site. In the immediate vicinity of the Parish Pump are a road speed limit sign, an information board, street lighting columns and three trees. Given the distance between the appeal site and the Parish Pump, the busy road that separates the appeal site from the Parish Pump and the existing street furniture surrounding the Parish Pump, the proposed call box would not have a significant impact on the setting of the listed heritage asset.
61. The Grade II Listed Church of St Nicholas is approximately 56m to the east of the appeal site and is visible from the appeal site. However, the distance between the Church and the appeal site and the main road that separates the appeal site from the Church would prevent the proposal from having a significant effect on the setting of the listed building.
62. It is noted that there are two existing phone boxes and a bus stop that are visible from the site, however these are sufficient distances from the site so that they do not have a significant impact on the visual appearance and character of the appeal site.
63. The proposed call box would be located close to the outer edge of the pavement and would reduce the width of the pavement, however I note the appellant's analysis that shows that the proposal would leave approximately 2.6m of remaining pavement and as such would accord with the SG. The proposed call box would generally be in alignment with the existing street furniture and a sufficient width of pavement would remain, therefore the call box would not cause an undue obstruction of the pavement and would not cause harm to highway safety.
64. I understand that the site lies within an area covered by a planned town centre improvement scheme although no details of that scheme or its timetable for implementation area before me. I therefore cannot make an assessment on how the proposal would affect the improvements and as such the matter does not add to my conclusion.

Appeal J - Public Highway, Mitcham Road near junction Bevill Allen Close

65. The appeal site is located on the pavement outside residential buildings and a tooth health centre in Bevill Allen Close, and opposite the junction with Byton Road. The stretch of Mitcham Road surrounding the site primarily comprises a mix of residential accommodation and commercial units.
66. During the time of my site visit, the street was busy with traffic travelling past the appeal site along both carriageway directions and the pavement around the appeal site was moderately busy with pedestrians. I have seen nothing to suggest my observations are untypical.
67. The pavement close to the site hosts tall street lighting columns, road signs, bollards, a litter bin and bicycle stands. Trees surrounded by brick and concrete seating line the edge of the pavement furthest from Mitcham Road. While the design of the call box would be plain and simple, the call box would be approximately 3.1m in height and 1.325m in width which would be out-of-

keeping with the existing street furniture that is slender and relatively discreet in appearance. The street has a reasonably open and pleasant character at this location and although the proposed call box would be aligned with the existing street furniture, the call box would be a bulky addition to the street scene that would result in an increasingly cluttered appearance to the pavement and wider street scene. As such the proposal would be detrimental to the openness of the pavement and would harm the character and appearance of the area.

68. Only the top of the tower of the Grade II Listed Church of St Boniface is visible from the appeal site. Given the distance between the Church and the appeal site, I am satisfied that the proposal not have a significant effect on the setting of the listed building. Accordingly the setting of the building, and its significance would be preserved.
69. The proposed call box would be located close to the outer edge of the pavement and would reduce the width of the pavement, however I note the appellant's analysis that shows that the proposal would accord with the SG with 5.025m of remaining pavement. The proposed call box would generally be in alignment with the existing street furniture, and overall I am satisfied that a sufficient width of pavement would remain and that the call box would not cause an undue obstruction of the pavement and therefore would not be harmful to highway safety.
70. I understand that the site lies within an area covered by a planned town centre improvement scheme although no details of that scheme or its timetable for implementation area before me. I therefore cannot make an assessment on how the proposal would affect the improvements and as such the matter does not add to my conclusion.

Other Matters

71. In relation to appeals A-J, 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 comparable to the proposals before me. Notwithstanding this, I note that some of the other cases are within other local planning authority areas where a different character and appearance will prevail. Moreover, the proposed call boxes have their own settings. As such, the other appeal decisions referred to are not determinative points in favour of the proposals.

Conclusion and Recommendation

72. As detailed above all of the appeals would cause harm to the character and appearance of the area, and additionally appeal I would cause harm to the setting of a heritage asset while appeals B, F and G would cause harm to highway and pedestrian safety. For the reasons given above and having had regard to all other matters raised, I recommend that appeals A-J should be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

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

S Ashworth

INSPECTOR