



Appeal Decisions

Site visit made on 4 November 2019 by S Watson BA(hons) MSc

Decision by R C Kirby BA(Hons) DipTP MRTPI

An Inspector appointed by the Secretary of State

Decision date: 18 March 2020

CASE DETAILS

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, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr Paul O'Neil on behalf of Maximus Networks Ltd against the decision of the Council of the London Borough of Lambeth.
 - The development proposed in each case is described as a public call box.
-

Appeal A - Ref: APP/N5660/W/19/3231379

Public Highway, Adj. 272 South Lambeth Road, London SW8 1UL

- The application Ref 18/04809/G24, dated 5 November 2018, was refused by notice dated 21 December 2018.
-

Appeal B - Ref: APP/N5660/W/19/3231306

Public Highway, Wandsworth Road, Adj. Bilton House, London SW8 4EP

- The application Ref 18/04788/G24, dated 5 November 2018, was refused by notice dated 18 December 2018.
-

Appeal C - Ref: APP/N5660/W/19/3231310

Public Highway, Adj. 289 Clapham Road, London SW9 9BN

- The application Ref 18/04863/G24, dated 5 November 2018, was refused by notice dated 19 December 2018.
-

Appeal D - Ref: APP/N5660/W/19/3231355

Public Highway, Adj. 438 Wandsworth Road, London SW8 3NA

- The application Ref 18/04861/G24, dated 5 November 2018, was refused by notice dated 19 December 2018.
-

Appeal E - Ref: APP/N5660/W/19/3231381

Public Highway, Wandsworth Road, Adj. Conrad House, London SW8 2SP

- The application Ref 18/04859/G24, dated 5 November 2018, was refused by notice dated 21 December 2018.
-

Appeal F - Ref: APP/N5660/W/19/3231382

Public Highway, Stockwell Road, Adj. Morant House, London SW9 9AA

- The application Ref 18/04857/G24, dated 5 November 2018, was refused by notice dated 21 December 2018.
-

Appeal G - Ref: APP/N5660/W/19/3231537
Public Highway, 114 Wandsworth Road, London SW8 2LB

- The application Ref 18/04808/G24, dated 5 November 2018, was refused by notice dated 27 December 2018.
-

Appeal H - Ref: APP/N5660/W/19/3231538
Public Highway, 314-318 Clapham Road, London SW9 9AE

- The application Ref 18/04858/G24, dated 5 November 2018, was refused by notice dated 27 December 2018.
-

Appeal I - Ref: APP/N5660/W/19/3231546
Public Highway, Wandsworth Road Adj. Hindlip House, London SW8 2RW

- The application Ref 18/04811/G24, dated 5 November 2018, was refused by notice dated 27 December 2018.
-

Appeal J - Ref: APP/N5660/W/19/3231548
Public Highway, Stockwell Road Adj. Paton House, London SW9 9ET

- The application Ref 18/04813/G24, dated 5 November 2018, was refused by notice dated 27 December 2018.
-

Decision

1. All of the 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 a public call box pursuant to Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (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 within a single decision letter.
4. The Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 amended the GPDO by removing 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 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 all the appeals in this decision letter.

5. The Council has referred to a number of development plan policies and associated documents. As the principle of development has been established through the grant of permission by the GPDO, prior approval appeals are not determined on the basis of s38(6) of the Planning and Compulsory Purchase Act 2004. However, I have taken the development plan policies and associated documents into account insofar as they are relevant to the prior approval matters of siting and appearance.
6. Appeals D and J relate to sites that are in close proximity to Conservation Areas. Appeal J also relates to a site which is located close to a Listed Building. 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 assets conservation, and that significance can be harmed or lost through development within their setting.
7. In addition to the GPDO establishing the principle of development, the Framework provides that decision makers should not question the need for an electronic communications system. Therefore, matters of need (including a lack of need) are not relevant, and have not been taken into account in the determination of these appeals.

Main Issues

8. The main issues are the effect of the siting and appearance of the proposals on:
 - the character and appearance of the surrounding area in each of the appeals;
 - highway safety, with particular regard to both pedestrians and vehicular traffic in respect of Appeals A, B, C, D, F, G, H, I and J; and,
 - crime and anti-social behaviour in respect of Appeals A, B, C, D, F, G, H, I and J.

Reasons for the Recommendations

Appeal A – Adj. 272 South Lambeth Road

9. The appeal site is located on the south-east corner of a relatively small crossroad. Although predominantly a residential area there are a number of shops and a public house on the east side of the road and a medical practice close to the west of the appeal site. The site is beneath a row of mature trees, close to a bus shelter and traffic lights that control a pedestrian crossing as well as the junction.
10. Although the style of the public call box would be relatively simple in design, it would stand in excess of 3 metres and have a striking appearance by way of its stark, modern design. Due to its height, overall scale and appearance, combined with its prominent location close to a junction within a predominantly residential area, the proposal would appear as an intrusive and incongruous feature within the area. As such the proposal would harm the character and appearance of the area.

11. The proposal would be sited at the rear of the pavement near to a bus shelter. Although it would reduce the width of available pavement in this location, it would be unlikely to reduce it to the degree that pedestrian flows would be impeded, or the safety of pedestrians including those with mobility impairments would be affected. Whilst it would be sited close to the traffic lights, the location of the call box, set against the back edge of the pavement would ensure it would not cause a distraction or interfere with a driver's or cyclist's reading of the signals in this location. Harm to highway and pedestrian safety would not occur as a result of the siting and appearance of the proposal.
12. While I note the comments from the Metropolitan Police Designing Out Crime Group with regards to crime and anti-social behaviour at other locations, no specific evidence has been provided to demonstrate that the proposal before me would result in an increase in such activity. I observed that the appeal site is located close to residential properties, retail uses and a public house where windows, customers and passers-by would provide passive surveillance of the call box. These matters and its open design would be likely to deter anti-social behaviour from occurring. In light of the above I find that the proposal would be unlikely to unacceptably affect crime or anti-social behaviour levels in the surrounding area.

Conclusion and Recommendation – Appeal A

13. In light of the foregoing, I conclude that the siting and appearance of the proposed public call box would harm the character and appearance of the area. The lack of harm to highway safety and anti-social behaviour/crime, does not outweigh the harm identified. I recommend that the appeal should be dismissed.

Appeal B – Wandsworth Road Adj. Bilton House

14. The appeal site is located on the western side of Wandsworth Road close to the junction with Minshull Street, in a residential area. The call box would be sited near the front of the pavement, close to the road. There is little notable street furniture on this side of the road other than trees and lamp posts.
15. The height, scale and appearance of the call box in this prominent location would introduce a dominant and incongruous feature into this part of Wandsworth Road that would significantly detract from the pleasant street scape that exists. As a consequence, it would result in harm to the established character and appearance of the area.
16. The pavement within the vicinity of the appeal site is relatively wide. Although the proposal would narrow the width of the pavement in its locality, I am satisfied that it would remain of a width which would allow pedestrians to travel freely upon it, including those with disabilities without inconvenience being caused or safety being compromised by the siting of the new call box.
17. At the time of my site visit, traffic volumes within Wandsworth Road were high and although the speed was low, movement was continuous. The traffic included a variety of modes of transport from bicycles to commercial vehicles. Across the junction with Minshull Street is a bus lane which permits cyclists and taxis. Given the size of the call box and its distance from the junction, there is

likely to be some limited harm to intervisibility between motor vehicles on Wandsworth Road and Minshull Street. However, this impact would be greater on cyclists due to their reduced size and closer proximity to the proposed call box when using the bus lane. This situation could result in cyclists swerving within the carriageway to avoid vehicles exiting the junction, into the path of vehicles. As such there would be a high probability that the proposal would result in harm to highway safety as a result of its siting and appearance.

18. I note the comments from the Metropolitan Police Designing Out Crime Group with regards to crime and anti-social behaviour at other locations, and the submitted crime maps which show existing crime levels. However, no specific evidence has been provided to demonstrate that the proposal before me would result in an increase in crime or anti-social behaviour. The appeal site is close to residential properties and is overlooked by a substantial number of windows on both sides of the road which would provide passive surveillance of the new call box. Moreover, the level of street lighting in the area and the open design of the call box would be likely to deter undesirable behaviour from occurring upon the site. In light of the above I find that the proposal would be unlikely to affect crime or anti-social behaviour levels in the area to an unacceptable degree.

Conclusion and Recommendation – Appeal B

19. In light of the foregoing, I conclude that the siting and appearance of the proposed public call box would harm the character and appearance of the area and would be detrimental to highway safety. The lack of an adverse impact on anti-social behaviour or crime does not outweigh the harm identified. I recommend that the appeal should be dismissed.

Appeal C – Adj. 289 Clapham Road

20. I note that the refusal reasons on the Council's decision notice refer to this development as a 'totem', however it appears that the telephone call box proposed is identical to the others listed above. I have therefore assessed this proposal as a public call box, and not a totem.
21. The appeal site is located on the south side of Clapham Road at a transition point between the residential and commercial portions of the road. The shops and cafes are predominantly across the opposite side of Clapham Road and to the north-east of the site. The proposed call box would be against the front of the pavement and close to the junction with Grantham Road. Other than some very limited street furniture, including lamp posts, bollards and trees, the immediate area around the appeal site is relatively clear of street furniture.
22. Although the style of the proposal would be relatively simple in design, it would stand in excess of 3 metres and have a striking appearance by way of its stark, modern design. Due to its height, overall scale and appearance, combined with its prominent location close to the front of the pavement at the edge of a residential area, it would appear as an intrusive and incongruous feature in the street scene which would be harmful to its pleasant character and appearance.
23. At the time of my visit the area was busy with pedestrian and vehicular traffic. Given the width of the existing pavement and the siting of the call box close to

the road, it would be unlikely that pedestrian flows along the pavement would be impeded or the safety of pedestrians compromised. The relationship of the proposal to the junction with Grantham Road would ensure that visibility for vehicles using this junction would not be compromised by the siting or appearance of the proposal. Views towards traffic on the opposite side of the road would also not be restricted by the call box. Given my findings, I conclude that the siting and appearance of the proposal would not harm the safe or efficient operation of the highway for pedestrians or vehicular traffic.

24. I note the comments from the Metropolitan Police Designing Out Crime Group with regards to crime and anti-social behaviour at other locations, and the submitted crime maps which show existing crime levels. However, no specific evidence has been provided to demonstrate that the proposal before me would result in an increase in crime or anti-social behaviour. I observed that the appeal site is close to residential and commercial properties and is overlooked by a substantial number of windows which would provide passive surveillance of the site. Moreover, the level of street lighting in the area and the open design of the call box would be likely to deter undesirable behaviour from occurring upon the site. In light of the above I find that the proposal would be unlikely to affect crime or anti-social behaviour levels in the area to an unacceptable degree.

Conclusion and Recommendation – Appeal C

25. In conclusion, the siting and appearance of the proposed public call box would harm the character and appearance of the area. The lack of harm to highway safety, including pedestrian and vehicular movements, and lack of an adverse impact on anti-social behaviour or crime does not outweigh the harm identified. I recommend that the appeal should be dismissed.

Appeal D – Adj. 438 Wandsworth Road

26. The appeal site is located on the north side of Wandsworth Road within a primarily residential area that includes some commercial properties. The proposed call box would be sited near the front of the pavement and close to a junction serving an access road along the east side of No 438. At the time of my visit the area behind the pavement was being developed and hoardings had been erected. I understand this to be temporary. Near the appeal site was a bus stop, two rows of bicycle stands and an advertising board. The site is immediately adjacent to the Wandsworth Road Conservation Area (WRCA) which covers the opposite side of the road and extends towards the south-west.
27. Although the style of the call box would be relatively simple in design, it would stand in excess of 3 metres tall and have a striking appearance by way of its stark, modern design. It would appear as a prominent intrusive and incongruous feature in the street scene and would introduce visual clutter into this attractive area. As a consequence, the proposal would be harmful to the character and appearance of the surrounding area.
28. I noted that this particular part of the WRCA is characterised by a terrace of single storey commercial properties with residential accommodation above and set back from the frontages. They are of a traditional architectural style and

constructed primarily in traditional materials. The proposed call box would, due to its size and location, be visible in views towards and out of the WRCA. Given the harm to the character and appearance that I have identified above, it follows that the contribution that the appeal site makes to the setting of the WRCA would be diminished as a result of the proposal. Harm to the significance of this designated heritage asset would occur because the proposal would result in harmful development within the conservation area's setting.

29. Whilst the harm to the significance of this heritage asset would be less than substantial, the public benefits advanced in support of the proposal including free access for the public to both calls and the internet, could be provided elsewhere in a location where harm to the significance of heritage assets would not result. These public benefits do not therefore outweigh the harm identified.
30. At the time of my visit the area was busy with vehicular traffic, and some pedestrian traffic. To the east of the appeal site the pavement narrows significantly in front of No 438 where there is a forecourt fenced off at either side. The proposed call box, in conjunction with the forecourt, would narrow the width of the pavement, but sufficient width would be retained for pedestrians to travel along it unencumbered and safely.
31. However, given the size of the call box and its relationship with Wandsworth Road and the junction with Bramwell Place, I find that its siting and appearance would reduce visibility for vehicles exiting the junction and looking south-west. While this may be limited on its own, the cumulative impact of the fencing serving the forecourt, and the existing street furniture to the south-west would significantly reduce intervisibility. As such the proposal would be likely to adversely affect highway safety within the vicinity of the appeal site.
32. I note the comments from the Metropolitan Police Designing Out Crime Group with regards to crime and anti-social behaviour at other locations. However, no specific evidence has been provided to demonstrate that the proposal before me would result in an increase in crime or anti-social behaviour. I observed that the appeal site is close to residential and retail properties and is overlooked by windows on the south side of the road which would provide passive surveillance of the site. The street would also be illuminated at night by streetlights which would, along with the open design of the call box be likely to deter undesirable activities and behaviour from occurring at the appeal site. Accordingly, I find that the proposal would be unlikely to unacceptably affect crime or anti-social behaviour levels in the surrounding area.

Conclusion and Recommendation – Appeal D

33. In conclusion, the proposed call box would harm the character and appearance of the area including the setting of the WRCA and would be detrimental to highway safety. I recommend that the appeal should be dismissed.

Appeal E – Wandsworth Road Adj. Conrad House

34. The appeal site is located on the east side of Wandsworth Road within a primarily residential area, opposite what appears to be a recent mixed-use development that includes some commercial units. The proposed call box would be sited near to the front of the pavement. There is little street furniture on

this side of the road, except for a bus shelter, lamp posts and some young trees.

35. Although the style of the telephone call box would be relatively simple in design, it would stand in excess of 3 metres and have a striking appearance by way of its stark, modern design. Due to its height, overall scale and appearance, combined with its prominent location close to the front of the pavement at the edge of a predominantly residential area, the proposal would appear as an intrusive and incongruous feature in the street scene which would be harmful to the established character and appearance of the area.
36. Although not included within the Council's decision notice as a reason for refusal, the Officer's report raises concern about the proximity of the call box to the kerb harming the safe operation of the highway. Although the call box would be closer to the kerb than the recommended distance of 500mm the breach would be minor, and no evidence has been provided to demonstrate how this would interfere with the safe operation of the highway. The call box would be sited upon the pavement and would be unlikely to interfere with the flow of traffic within the adjoining carriageway. Harm to highway safety as a result of its siting and appearance would not result.

Conclusion and Recommendation – Appeal E

37. In conclusion, the siting and appearance of the proposed public call box would harm the character and appearance of the area. I recommend that the appeal should be dismissed.

Appeal F – Stockwell Road Adj. Morant House

38. The appeal site is located on the east side of Stockwell Road near the junction with St Michael's Road, to the south. The surrounding area is residential in character with little street furniture of note surrounding the site. The call box would be sited close to the front of the pavement, near the edge of the road.
39. Although the style of the telephone call box would be relatively simple in design, it would stand in excess of 3 metres high and have a striking appearance by way of its stark, modern design. It would be a prominent feature within the street scene as a result of its siting and appearance which would be incongruous with nearby development. Moreover, the proposal would lead to an unwelcome proliferation of street furniture in the area and result in a cluttered street scape. As a consequence the proposal would harm the character and appearance of the area.
40. Although the proposed call box would reduce the useable width of the pavement for pedestrians, I am satisfied that sufficient width would be maintained to allow the free flow of pedestrians along it. Inconvenience and harm to the safety of pedestrians would be unlikely to occur as a result of the new call box in this location.
41. However, the new call box would be sited in close proximity to the junction with St Michael's Road. A cycle lane runs parallel to the pavement in close proximity to the appeal site. Drivers of vehicles exiting the junction would be unable to clearly see cyclists travelling in the cycle lane because of the siting

and appearance of the call box and cyclists would be unable to see vehicles exiting the junction, other than in close proximity. This situation could result in cyclists swerving into the path of vehicles in the carriageway to avoid those exiting St Michael's Road, which would result in harm to highway safety.

42. While I note the submitted crime maps which show existing crime levels, no specific evidence has been provided to demonstrate that the proposal before me would result in an increase in crime or anti-social behaviour. I observed that the appeal site is close to residential properties and is overlooked by a substantial number of windows on both sides of the road. This would provide passive surveillance of the site and taken with the open design of the call box would be likely to deter crime or anti-social behaviour within the locality of the proposal.

Conclusion and Recommendation – Appeal F

43. In conclusion, the siting and appearance of the proposed public call box would harm the character and appearance of the area and would be detrimental to the highway safety for the reasons set out above. I recommend that the appeal should be dismissed.

Appeal G – 114 Wandsworth Road

44. The appeal site is located on the western side of Wandsworth Road at the front of the pavement, close to a pedestrian crossing. The appeal site is surrounded by a small commercial area, with some A-boards in front of the commercial units. There is a range of street furniture in the locality, including trees and an information board, but the pavement generally appears uncluttered.
45. Given the commercial character of the immediate street scene, the scale and design of the telephone call box would not be an intrusive or incongruous feature. Although there is a noticeable amount of existing street furniture near the appeal site, the pavement would not appear cluttered by way of the cumulative impact of adding the telephone call box. The proposal would not result in harm to the character or appearance of the area.
46. The surrounding area was generally busy with both pedestrian and vehicular traffic. Although the proposal would reduce the width of the pavement as a result of its siting, the impact of this on the flow of pedestrians along it would be likely to be low due to the remaining useable width of the pavement. However, close to the siting of the call box is a pedestrian crossing point. The proposal, as a result of its siting and appearance would be likely to obscure the views of pedestrians crossing the road at this point. Its presence would be likely to result in pedestrians stepping out into the road into the flow of traffic because of the restricted visibility that the proposal would cause, which would be harmful to highway safety.
47. I note the comments from the Metropolitan Police Designing Out Crime Group with regards to crime and anti-social behaviour at other locations. The appeal site is close to residential and retail properties and is overlooked by a substantial number of windows which would provide passive surveillance of the site. The street would also be illuminated at night by streetlights which would, along with the open design of the call box, be likely to deter undesirable

activities and behaviour within the vicinity of the call box. In the absence of substantive evidence to demonstrate otherwise, I find that the proposal would be unlikely to result in crime or anti-social behaviour levels in the surrounding area.

Conclusion and Recommendation – Appeal G

48. In conclusion, the siting and appearance of the proposed public call box would be detrimental to highway safety. I recommend that the appeal should be dismissed.

Appeal H – 314 – 318 Clapham Road

49. The appeal site is located on the north-west side of Clapham Road in front of a row of shops and cafes, and close to the front edge of the pavement. The pavement on this side of the road is wide with a row of trees running down the middle. Part of the back of the pavement is taken up by an outdoor seating area connected to a café, while the front half of the pavement includes a fair amount of street furniture including, benches, bicycle racks and a telephone kiosk of a different design to that proposed.
50. Given the commercial character of the immediate street scene, the scale and design of the telephone call box would not be an intrusive or incongruous feature. However, taken with other street furniture nearby the proposal would lead to an unwelcome proliferation of street furniture in the street scape which would be harmful to the character and appearance of the area.
51. The proposed telephone call box would narrow the width of the pavement and, in conjunction with the trees and other street furniture, would create a 'slalom' effect of obstructions for pavement users to navigate. However, it would be unlikely that pedestrian desire lines would be along the stretch of pavement where the new call box would be sited because of the presence of cycle racks and other street furniture. As such, the proposal would be unlikely to materially affect the flow of pedestrians in this location or cause inconvenience or safety issues to them. In this regard the siting and appearance of the proposal is acceptable.
52. The appeal site is close to retail and café units with residential properties above. It is overlooked by a substantial number of windows which would provide passive surveillance of the site. The street would also be illuminated at night by streetlights which would, along with the open design of the call box be likely to deter undesirable activities and behaviour. Accordingly, in the absence of substantive evidence to demonstrate otherwise, including the effect of nearby street furniture has on such behaviour, I find that the proposal would be unlikely to lead to crime or anti-social behaviour in the area.

Conclusion and Recommendation – Appeal H

53. In conclusion, the siting and appearance of the proposed public call box would harm the character and appearance of the area for the reason set out above. I recommend that the appeal should be dismissed.

Appeal I – Wandsworth Road Adj. Hindlip House

54. The appeal site is located on the eastern side of Wandsworth Road opposite the junction with Minshull Street, in a residential area. The call box would be sited at the front of the pavement, close to the road and in close proximity to street furniture, including a streetlight, a long row of bicycle stands, an information totem, a bus stop and a telephone box of a different design to the appeal proposal.
55. Although the style of the call box would be relatively simple in design, it would stand in excess of 3 metres tall and have a striking appearance by way of its stark, modern design. Due to its height, overall scale and appearance, combined with its prominent location close to the edge of the road in a residential area it would appear as an intrusive and incongruous feature. Moreover, given the scale of existing street furniture near the appeal site, the pavement in the immediate area would appear cluttered with the addition of the call box, which would be harmful to the character and appearance of the surrounding area.
56. The new call box would be sited close to an existing streetlamp within the pavement. Whilst noting the Council's concern in respect of this matter, I have no reason to find that the siting of the proposal would result in the removal of this lighting within the highway, which would in any event require a separate consent, which is not before me as part of this appeal. The relationship of the proposal to the streetlamp is not a determining matter in this case.
57. The appeal site is close to residential properties and is overlooked by a substantial number of windows on both sides of the road which would provide passive surveillance of the site. The street would also be illuminated at night by streetlights which would, along with the open design of the call box, be likely to deter crime or anti-social behaviour within the vicinity of the appeal site.

Conclusion and Recommendation – Appeal I

58. In conclusion, the siting and appearance of the proposed public call box would harm the character and appearance of the area. I recommend that the appeal should be dismissed.

Appeal J – Stockwell Road Adj. Paton House

59. The appeal site is located on the west side of Stockwell Road near the junction with Burnley Road. The surrounding area is characterised by its residential nature with little street furniture of note surrounding the site. The call box would be sited close to the front of the pavement, near the edge of the road. The site is immediately adjacent to the Stockwell Park Conservation Area (SPCA) which covers parts of the opposite side of the road, around St Michael's Road and Burnley Road, extending towards the east. To the south of the site are Grade II listed buildings at Nos 40 and 42 Stockwell Road, which are semi-detached, three-storeys in height with a two-storey entrance bay.
60. Although the style of the telephone call box would be relatively simple, it would stand in excess of 3 metres and have a striking appearance by way of its stark, modern design. Due to its height, overall scale and appearance, combined with

its prominent location within a residential area, it would result in a bulky form of development which would detract from the attractive street scape in this location.

61. The proposal would be visible from within the SPCA and its siting and appearance would markedly contrast with the historic interest of the conservation area. The proposal would be an intrusive and incongruous feature within the street which would be harmful to the setting of the SPCA.
62. Moreover, the introduction of a large structure within the pavement would partially obscure views, from the north, of the nearby listed buildings in Stockwell Road. The modern design of the structure would not respect the historic significance of these heritage assets and its presence would significantly harm their setting. The proposal would not preserve the setting of the listed buildings.
63. Given the overall scale of the proposal, the harm that would be caused to the significance of the setting of the SPCA and Nos 40 and 42 as listed buildings would be less than substantial. The public benefits of the new call box, by providing free access to the telecommunications network, could be achieved elsewhere in a location where harm to heritage assets would not occur. Accordingly, I find that the public benefits advanced do not outweigh the harm identified.
64. Although there would be some reduction in the width of the pavement as a result of the new call box, I find that the effect of this on the flow and safety of pedestrians would be limited due to the useable width of the pavement that would remain. Moreover, given its relationship with the road and nearby junctions and on the basis of the evidence before me I find that the proposal would be unlikely to harm highway safety. In this way the safety of the highway, for both pedestrians and vehicles would not be harmed by the siting or appearance of the proposal.
65. The appeal site is close to residential properties and is overlooked by a substantial number of windows on both sides of the road which would provide passive surveillance of the site. The street would also be illuminated at night by streetlights which would, along with the open design of the call box, be likely to deter crime or anti-social behaviour within the vicinity of the appeal site.

Conclusion and Recommendation – Appeal J

66. In conclusion, the siting and appearance of the proposed public call box would harm the character and appearance of the area, including the contribution that the appeal site makes to the setting of nearby heritage assets. I recommend that the appeal should be dismissed.

S Watson

APPEAL PLANNING OFFICER

Inspector's Decisions

67. I have considered all the submitted evidence and the Appeal Planning Officer's report and concur that each of the appeals set out above should be dismissed.

RC Kirby

INSPECTOR