



Appeal Decisions

Site visit made on 2 September 2019
by Conor Rafferty LLB (Hons), AIEMA, Solicitor

Decision by Chris Preston BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 June 2020

Appeal A Ref: APP/X5990/W/19/3229401

Public Highway, 11 Baker Street, London, W1U 3AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under an Article 3(1) and Schedule 2, Part 16 of the Town and Country Planning (general Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Maximus Networks Ltd against the decision of Westminster City Council.
 - The application Ref 18/08780/TELCOM dated 15 October 2018, was refused by notice dated 28 November 2018.
 - The development proposed is a public call box.
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Appeal B Ref: APP/X5990/W/19/3228158

Public Highway, 7 Thayer Street, Marylebone, London, W1U 3JH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under an Article 3(1) and Schedule 2, Part 16 of the Town and Country Planning (general Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Maximus Networks Ltd against the decision of Westminster City Council.
 - The application Ref 18/08383/TELCOM dated 1 October 2018 was refused by notice dated 7 November 2018.
 - The development proposed is a public call box.
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Appeal C Ref: APP/X5990/W/19/3228160

Public Highway, 37 Cavendish Square, London, W1G 0PP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under an Article 3(1) and Schedule 2, Part 16 of the Town and Country Planning (general Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Maximus Networks Ltd against the decision of Westminster City Council.
 - The application Ref 18/08384/TELCOM dated 1 October 2018 was refused by notice dated 7 November 2018.
 - The development proposed is a public call box.
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Appeal D Ref: APP/X5990/W/19/3228166

Public Highway, George Street Junction, Baker Street, London, W1U 8AU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under an Article 3(1) and Schedule 2, Part

16 of the Town and Country Planning (general Permitted Development) (England) Order 2015 (as amended).

- The appeal is made by Maximus Networks Ltd against the decision of Westminster City Council.
 - The application Ref 18/08388/TELCOM dated 11 October 2018 was refused by notice dated 7 November 2018.
 - The development proposed is a public call box.
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Appeal E Ref: APP/X5990/W/19/3228891

Public Highway, 23 George Street, London W1U 3QA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under an Article 3(1) and Schedule 2, Part 16 of the Town and Country Planning (general Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Maximus Networks Ltd against the decision of Westminster City Council.
 - The application Ref 18/08385/TELCOM dated 9 October 2018 was refused by notice dated 23 November 2018.
 - The development proposed is a public call box.
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Appeal F Ref: APP/X5990/W/19/3228886

Public Highway, Kilburn Park Road, Corner Rudolph Road, NW6 5SN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under an Article 3(1) and Schedule 2, Part 16 of the Town and Country Planning (general Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Maximus Networks Ltd against the decision of Westminster City Council.
 - The application Ref 18/08398/TELCOM dated 1 October 2018 was refused by notice dated 20 November 2018.
 - The development proposed is a public call box.
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Appeal G Ref: APP/X5990/W/19/3228455

Public Highway, St John's Wood Road adjacent Winchilsea House, NW8 9HJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under an Article 3(1) and Schedule 2, Part 16 of the Town and Country Planning (general Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Maximus Networks Ltd against the decision of Westminster City Council.
 - The application Ref 18/08265/TELCOM dated 1 October 2018 was refused by notice dated 19 November 2018.
 - The development proposed is a public call box.
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Appeal H Ref: APP/X5990/W/19/3228788

Public Highway, St John's Wood Road nearby Lord's Tavern NW8 9LD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under an Article 3(1) and Schedule 2, Part 16 of the Town and Country Planning (general Permitted Development) (England) Order 2015 (as amended).

- The appeal is made by Maximus Networks Ltd against the decision of Westminster City Council.
 - The application Ref 18/08363/TELCOM dated 1 October 2018 was refused by notice dated 20 November 2018.
 - The development proposed is a public call box.
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Appeal I Ref: APP/X5990/W/19/3228787

Public Highway, adjacent 43 St John's Wood Road, London, NW8 8QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under an Article 3(1) and Schedule 2, Part 16 of the Town and Country Planning (general Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Maximus Networks Ltd against the decision of Westminster City Council.
 - The application Ref 18/08362/TELCOM dated 1 October 2018 was refused by notice dated 20 November 2018.
 - The development proposed is a public call box.
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Appeal J Ref: APP/X5990/W/19/3228458

Public Highway, Lisson Grove adjacent Penn House, London, NW8 8SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under an Article 3(1) and Schedule 2, Part 16 of the Town and Country Planning (general Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Maximus Networks Ltd against the decision of Westminster City Council.
 - The application Ref 18/08392/TELCOM dated 1 October 2018 was refused by notice dated 19 November 2018.
 - The development proposed is a public call box.
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Decisions

Appeal A Ref: APP/X5990/W/19/3229401

1. The appeal is dismissed.

Appeal B Ref: APP/X5990/W/19/3228158

2. The appeal is dismissed.

Appeal C Ref: APP/X5990/W/19/3228160

3. The appeal is dismissed.

Appeal D Ref: APP/X5990/W/19/3228166

4. The appeal is dismissed.

Appeal E Ref: APP/X5990/W/19/3228891

5. The appeal is dismissed.

Appeal F Ref: APP/X5990/W/19/3228886

6. The appeal is dismissed.
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Appeal G Ref: APP/X5990/W/19/3228455

7. The appeal is dismissed.

Appeal H Ref: APP/X5990/W/19/3228788

8. The appeal is dismissed.

Appeal I Ref: APP/X5990/W/19/3228787

9. The appeal is dismissed.

Appeal J Ref: APP/X5990/W/19/3228458

10. The appeal is dismissed.

Appeal Procedure

11. The site visit was 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

12. As set out above, there are ten separate appeals for the installation of an electronic communications apparatus comprising a telephone kiosk 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 kiosks 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.
13. On 25 May 2019, the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 came into force, amending the 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.
14. As an electronic communications code operator, the appellant benefits from deemed planning permission for a proposed telephone kiosk 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.
15. 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.

16. The High Court has considered the issue of the inclusion of advertising on public call boxes. 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.
17. This judgement confirmed 'that the whole development for which prior approval is sought must fall within the class relied on, and no part of it can fall outside it'. The judgement went on to state that a development falls outside the scope of Part 16, Class A if it is not 'for the purpose' of the operator's network. Thus, if the development is partly for some other purpose beyond that of the operator's network, it cannot be development 'for the purpose' of the operator's network precisely because it is for something else as well. In that case the proposed kiosk was for a dual purpose of advertisement display and telecommunications use and therefore contained features that were for advertising and 'not at all there for the telecommunications function'.

Planning Policy

18. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO 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 only in so far as they are a material consideration relevant to matters of siting and appearance.

Main Issues

19. The main issues are:
- i) Whether or not the proposal is for the purpose of the appellant's electronic communications network (All Appeals);
 - ii) The effect of the siting and appearance of the proposed kiosk on the character and appearance of the surrounding area (All Appeals);
 - iii) The effect of the siting and appearance of the proposed call box on the safe and efficient operation of the highway network (All Appeals);
 - iv) Whether the proposed development would preserve or enhance the character or appearance of a Conservation Area (Appeal A; Appeal B; Appeal C; Appeal E; Appeal H; Appeal I); and
 - v) The effect of the proposal on the setting of a nearby Listed Building (Appeal B; Appeal C; Appeal E; Appeal F; Appeal J)

Reasons for the Recommendation

All Appeals

Purpose of Proposals

20. The Council has submitted that the proposals are not solely for the purposes of the appellant's communications network. In light of the Westminster

judgement 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’.

21. 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 black photovoltaic glass to maximise the energy generating potential. LED lighting strips on the outside edges of the call box are included for safety purposes. A further Counsel Opinion on behalf of the appellant was submitted which confirms the specification of the call box design.
22. It is apparent that the form and design of the proposed telecommunications apparatus in these appeals is driven by the proposed functionality as public call boxes. There is no evidence to suggest that the proposed developments include 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.

Appeal A

Character and Appearance; Conservation Area

23. The proposal would be located between Portman Close and George Street, within the Portman Estate Conservation Area. The character and appearance of the immediate surrounding part of the Conservation Area is defined by the wide, open footpaths and the tall buildings lining both sides of the street. These buildings comprise a mixture of both modern glazed facades on one side and more traditional red brick style properties with a historic character on the other, and each style contributes to the significance of the area.
24. While generally footpaths in the location are relatively free from street furniture, the short stretch between Portman Close and George Street contains many features such as bins, a bus stop, and signage, along with two trees. Adding the proposal would create an increased sense of clutter on the footpath and further diminish the wide pavement. The proposal would be located on a stretch of footpath lined by modern, glazed buildings and when viewed alongside this style of façade, would blend into its surroundings. However, from certain vantage points it would also be experienced with the more traditional buildings present in the immediate area, and in this context would appear an incongruous addition to the street scene, detracting from the character of these properties.
25. The proposal would therefore cause harm to the character and appearance of the surrounding area, and visual harm to a designated heritage asset. However, it would only be visible from a limited section of the Conservation Area, which already comprises a mixture of styles. As such, this would equate to ‘less than substantial’ harm in accordance with the National Planning Policy Framework (the Framework). Nonetheless this harm must still be given considerable importance and weight. Paragraph 196 of the Framework specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. From the information provided there are limited public benefits to

the proposed development. It is acknowledged, however, that it would contribute to the provision of a telecommunications network.

26. However, the individual benefit to the network arising from the apparatus would be small. Therefore, while the harm to the Conservation Area would be less than substantial the benefits identified are not sufficient to outweigh that harm, particularly when considering the weight to be given to the conservation of these assets. The development, by nature of its siting and appearance, would therefore fail to preserve or enhance the character or appearance of the Conservation Area and would be contrary to S25 and S28 of the Westminster City Plan (July 2016) and Policies DES1, DES7 and DES9 (F) of the City of Westminster Unitary Development Plan 2007.

Highway Safety

27. The proposal would be located in what appears to be a busy area, on a footpath that is likely to be regularly used by pedestrians given the presence of both office and commercial premises, along with a bus stop in the immediate locality. Its introduction would diminish the useable area along this footpath and create a further obstacle along the pavement in addition to the elements already present.
28. According to submitted plans the proposal would have a width of 1.3 metres. This would represent the broadest element of street furniture on this footpath and as such would greatly reduce the pavement width in its immediate area. Consequently, the presence of the proposal would represent an obstacle that would lead to a restriction in pedestrian flow and create the potential for footpath users to step off the pavement onto the road to navigate or avoid the blockage.
29. Taking the above together, I find that the proposal would have an unacceptably adverse effect on pedestrian permeability and highway safety in what is apparently a busy area. Accordingly it would be detrimental to the safe and efficient operation of the highway and would be contrary to Policies S41 and S7 of the Westminster City Plan (July 2016), Policy TRANS3 of the City of Westminster Unitary Development Plan 2007 and the Westminster Way Public Realm Strategy Design Principles and Practice Supplementary Planning Document adopted in September 2011.

Appeal B

Character and Appearance; Conservation Area and Listed Building

30. The proposal would be located on Thayer Street within the Harley Street Conservation Area, the surrounding character and appearance of which is defined by the commercial frontages at street level on primarily traditional buildings. However, the building in front of which the proposal would be located is a notable exception. The commercial frontages at street level remain, but the building is of a more modern design when compared with neighbouring properties. It comprises residential flats with a high level of glazing and numerous balconies. The footpath in front of the building is reasonably wide but contains a high level of clutter including older style telephone kiosks and a rubbish bin.

31. The immediate location of the proposal would be in proximity to the rubbish bin and telephone kiosks. This would further increase the sense of clutter on the footpath and would be at odds with the otherwise relatively wide stretches of pavement in the area. When compared with the other elements of street furniture present, the proposal would clearly represent a different and much more contemporary style. As it would be located in front of the more modern building found in this area, its style would not appear unduly dominant alongside this façade. However, from certain vantage points it would also be experienced with the more traditional buildings present. In this context its modern design becomes more apparent and would appear an incongruous addition to the street scene, detracting from the character of these properties.
32. The proposal would therefore cause harm to the character and appearance of the surrounding area, and cause visual harm to a designated heritage asset. However, it would only be visible from a limited section of the Conservation Area, which already comprises a mixture of styles. As such, this would equate to 'less than substantial' harm in accordance with the National Planning Policy Framework (the Framework). Nonetheless this harm must still be given considerable importance and weight. Paragraph 196 of the Framework specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. From the information provided there are limited public benefits to the proposed development. It is acknowledged, however, that it would contribute to the provision of a telecommunications network.
33. Therefore, while the harm to the Conservation Area would be less than substantial the benefits identified are small and not sufficient to outweigh that harm, particularly when considering the weight to be given to the conservation of these assets. The development, by nature of its siting and appearance, would therefore fail to preserve or enhance the character or appearance of the Conservation Area and would be contrary to S25 and S28 of the Westminster City Plan (July 2016) and Policies DES1, DES7 and DES9 of the City of Westminster Unitary Development Plan 2007.
34. The Council, in its reasons for refusal, has also cited the impact that the proposal would have on the setting of the Grade II Listed Building at 1 and 1A Cavendish Square. However, given the large distance between the two locations, and the fact that the proposal does not impact on views of, or from, the Listed Building or its immediate surroundings, it is not considered that the proposal would have any impact on the setting of this building and complies with Policies S25 and S28 of the Westminster City Plan (July 2016) and DES1 and DES10(D) of the City of Westminster Unitary Development Plan 2007 insofar as they relate to this Listed Building.

Highway Safety

35. The proposal would be located in what appears to be a busy area, on a reasonably wide footpath that is likely to be well used by pedestrians, given the presence of both commercial premises and flats. Its introduction would diminish the useable area along this footpath and create a further obstacle along the pavement in addition to the elements already present.

36. According to submitted plans the proposal would have a width of 1.3 metres. Notwithstanding the width of the pavement in the area, the kiosk would introduce another wide element to the footpath along with the telephone kiosks already present and as such would greatly reduce the pavement width in its immediate area and create a narrow stretch in the approach to the corner junction with George Street. Consequently, the presence of the proposal would represent an obstacle that would lead to a restriction in pedestrian flow and create the potential for footpath users to step off the pavement onto the road to navigate or avoid the blockage.
37. Taking the above together, I find that the proposal would have an unacceptably adverse effect on pedestrian permeability and highway safety in what is apparently a busy area. Accordingly it would be detrimental to the safe and efficient operation of the highway and would be contrary to Policies S41 and S7 of the Westminster City Plan (July 2016), Policy TRANS3 of the City of Westminster Unitary Development Plan 2007 and the Westminster Way Public Realm Strategy Design Principles and Practice Supplementary Planning Document adopted in September 2011.

Appeal C

Character and Appearance; Conservation Area and Listed Building

38. The proposal would be located within the Harley Street Conservation Area, on Cavendish Square close to the junction with John Prince's Street. The character and appearance of the immediate surrounding part of the Conservation Area is defined by the variety of building styles, comprising a mixture of modern facades, tall office blocks and more traditional style properties with a historic character. The footpath where the proposal would be located is relatively wide but contains a high level of street furniture. The Grade II Listed Building at 1 and 1A Cavendish Square sits on a corner junction opposite the appeal site, facing Cavendish Square Gardens.
39. The proposal would be in proximity to the street furniture already present at this location. This would further increase the sense of clutter on the footpath and would be at odds with the otherwise relatively wide stretches of pavement in the area. When compared with the other elements of street furniture present, the proposal would clearly represent a different and much more modern style. It would be located alongside some of the more modern buildings found in this area, comprising a pub and a tall, glazed tower block. When viewed alongside these façades its style would not appear unduly dominant. However, from certain vantage points it would also be experienced with the more traditional buildings present. In this context its modern design becomes more apparent and would appear an incongruous addition to the street scene, detracting from the character and appearance of these properties.
40. The proposal would be located opposite the side elevation of the traditional Grade II Listed Building. In such a dense urban context the streetscape provides overlapping settings. The Listed Building is particularly prominent on its corner plot in views from Cavendish Square Gardens, where it is viewed as the end terrace alongside similarly traditional buildings. This setting contributes to both its visual and historic significance. However, in other views it sits

alongside more modern buildings and structures. The proposal would be experienced primarily along the side elevation of the Listed Building, in an already mixed urban setting. Nonetheless, its overtly modern design would further detract from the historic and visual significance of the building and as such would have a negative effect on the setting of this Listed Building.

41. The proposal would therefore cause harm to the character and appearance of the surrounding area, and visual harm to designated heritage assets. However, it would only be visible from a limited section of the Conservation Area, which already comprises a mixture of styles. It would also not impact the fabric of the Listed Building, sited in this area of overlapping styles and settings. As such, this would equate to 'less than substantial' harm in accordance with the National Planning Policy Framework (the Framework). Nonetheless this harm must still be given considerable importance and weight. Paragraph 196 of the Framework specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. From the information provided there are limited public benefits to the proposed development. It is acknowledged, however, that it would contribute to the provision of a telecommunications network.
42. Therefore, while the harm to the Conservation Area and Listed Building would be less than substantial the limited benefits identified are not sufficient to outweigh that harm, particularly when considering the weight to be given to the conservation of these assets. The development by nature of its siting and appearance would therefore fail to preserve or enhance the character or appearance of the Conservation Area and would be contrary to S25 and S28 of the Westminster City Plan (July 2016) and Policies DES1, DES7, DES9 and DES10 (D) of the City of Westminster Unitary Development Plan 2007.

Highway Safety

43. The proposal would be located in what appears to be a busy area, in a prominent position near the corner of a footpath that is likely to be well used by pedestrians, given the presence of both office and commercial premises, including a pub and a coffee shop. Its introduction would diminish the useable area along this footpath and create a further obstacle along the pavement in addition to the elements already present.
44. According to submitted plans the proposal would have a width of 1.3 metres. This would introduce a further wide element to the footpath which, along with the telephone kiosks and pillar box already present would reduce the pavement width in its immediate area and create a narrow stretch in the approach to the corner junction with John Princes Street. Consequently, the presence of the proposal would represent an obstacle that would lead to a restriction in pedestrian flow and create the potential for footpath users to step off the pavement onto the road to navigate or avoid the blockage.
45. Taking the above together, I find that the proposal would have an unacceptably adverse effect on pedestrian permeability and highway safety in what is apparently a busy area. Accordingly it would be detrimental to the safe and

efficient operation of the highway and would be contrary to Policies S41 and S7 of the Westminster City Plan (July 2016), Policy TRANS3 of the City of Westminster Unitary Development Plan 2007 and the Westminster Way Public Realm Strategy Design Principles and Practice Supplementary Planning Document adopted in September 2011.

Appeal D

Character and Appearance

46. The proposal would be located on George Street towards the corner junction with Baker street. This section of the street is characterised by the wide, open footpaths and the tall, glazed commercial buildings lining both sides of the street. However, from the corner junction views extends to more traditional red brick buildings with a historic character, which sit alongside modern premises on the opposite side of Baker Street.
47. While generally footpaths in the location are relatively free from street furniture, this section of pavement on George Street currently houses a lamppost and electrical box which the proposal would sit directly adjacent to. Road signage is also present further along this stretch of footpath. Adding the proposal would create an increased sense of clutter on the pavement and further diminish its wide feel. The proposal would be located on a footpath lined by modern, glazed buildings and when viewed alongside this style of façade, would blend into its surroundings. However, from certain vantage points it would also be experienced with the more traditional buildings present in the immediate area, and in this context its overtly modern design would appear an incongruous addition to the street scene, detracting from the character of these properties. The proposal would therefore cause harm to the character and appearance of the surrounding area.
48. The proposal would be located within the Portman Estate Conservation Area. It would introduce an additional element of furniture to the streetscene, increasing the sense of clutter in this immediate location. It would represent the most modern addition to the pavement and would be particularly noticeable and distinguished by its contemporary style, particularly when experienced in conjunction with nearby traditional style premises.
49. The proposal would therefore cause visual harm to a designated heritage asset. However, it would only be visible from a limited section of the Conservation Area, which already comprises a mixture of styles. As such, this would equate to 'less than substantial' harm in accordance with the National Planning Policy Framework (the Framework). Nonetheless this harm must still be given considerable importance and weight. Paragraph 196 of the Framework specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. From the information provided there are limited public benefits to the proposed development. It is acknowledged, however, that it would contribute to the provision of a telecommunications network.
50. Therefore, while the harm to the Conservation Area would be less than substantial the benefits identified are not sufficient to outweigh that harm,

particularly when considering the weight to be given to the conservation of these assets. The development by nature of its siting and appearance would therefore fail to preserve or enhance the character or appearance of the Conservation Area and would be contrary to S25 and S28 of the Westminster City Plan (July 2016) and Policies DES1, DES7 and DES9 of the City of Westminster Unitary Development Plan 2007.

Highway Safety

51. The proposal would be located in what appears to be a busy area, in a prominent position on the pavement that is likely to be well used by pedestrians, given the presence of both office and commercial premises. While there is limited street furniture present in the wider area, the proposal would be situated directly adjacent to a lamppost and electric box. Furthermore, the surrounding road is likely to be well used road by drivers, given the availability of parking spaces along the road and its location as a thoroughfare through a part of central London.
52. The proposal is set back from the junction with Baker Street and is therefore not in a position that would be likely to obscure driver views of the road or the upcoming junction such that it could lead to an increase in the number and severity of accidents. The alignment of the road is straight and flat with good visibility. However, according to submitted plans the proposal would have a width of 1.3 metres. This would introduce a relatively wide element to the footpath which would diminish the useable area along this footpath and create a further obstacle along the pavement in addition to the lamppost and electric box already present. This would narrow the available pavement in the approach to the junction with Baker Street. Consequently, the presence of the proposal would represent an obstacle that would lead to a restriction in pedestrian flow and create the potential for footpath users to step off the pavement onto the road to navigate or avoid the blockage.
53. Taking the above together, I find that the proposal would have an unacceptably adverse effect on pedestrian permeability and highway safety in what is apparently a busy area. Accordingly it would be detrimental to the safe and efficient operation of the highway and would be contrary to Policies S41 and S7 of the Westminster City Plan (July 2016), Policy TRANS2 and TRANS3 of the City of Westminster Unitary Development Plan 2007 and the Westminster Way Public Realm Strategy Design Principles and Practice Supplementary Planning Document adopted in September 2011.

Appeal E

Character and Appearance; Conservation Area and Listed Building

54. The proposal would be located on George Street, within the Portman Estate Conservation Area. The character and appearance of the immediate surrounding part of the Conservation Area is defined by the tall buildings lining both sides of the street with commercial premises at street level, and limited street furniture. On one side the street is made up of traditional red brick style properties with a historic character, and a cycle docking station towards the junction with Manchester Street. The Westmoreland Arms Grade II Listed Building is also situated at this corner junction. The other side of the street

comprises more modern facades with a tree lined footpath, where the proposal would be situated.

55. With the exception of lampposts and signage the proposal would represent the only addition to the footpath, introducing an element of clutter in an otherwise relatively open stretch. It would be located in front of the more modern style of buildings on this street, and there is the possibility that some screening may be offered by the trees lining this side. Nonetheless it would be a prominent addition to the street scene, taking away from the otherwise open nature of the footpath. From certain vantage points the proposal would also be experienced alongside the more traditional buildings present on the other side of George Street. While a cycle docking station is present here, by virtue of its very modern design the proposal would still stand out as a noticeable and incongruous addition, and in doing so would further detract from the traditional nature and character of these properties.
56. The proposal would be located diagonally opposite the Grade II Listed Building. In this urban context the streetscape provides overlapping settings, with traditional properties situated alongside the Listed Building, and more modern frontages located across the street. The Listed Building is particularly prominent on its corner plot in views from the junction with Manchester Street, where it is viewed as the end terrace alongside other traditional style buildings. This setting contributes to both its visual and historic significance. However, in other views it sits alongside the more modern buildings and structures, including the cycle docking station. The proposal would be experienced opposite the Listed Building in this already mixed urban setting. Nonetheless, its overtly modern design would detract from the historic and visual significance of the building and as such have a negative effect on the setting of this Listed Building.
57. The proposal would therefore cause harm to the character and appearance of the surrounding area, and visual harm to designated heritage assets. However, it would only be visible from a limited section of the Conservation Area, which already comprises a mixture of styles. It would also not impact the fabric of the Listed Building, which is already sited in this area of overlapping styles and settings. As such, this would equate to 'less than substantial' harm in accordance with the National Planning Policy Framework (the Framework). Nonetheless this harm must still be given considerable importance and weight. Paragraph 196 of the Framework specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. From the information provided there are limited public benefits to the proposed development. It is acknowledged, however, that it would contribute to the provision of a telecommunications network.
58. However, the individual benefit to the network arising from the apparatus would be small. Therefore, while the harm to the Conservation Area and Listed Building would be less than substantial the benefits identified are not sufficient to outweigh that harm, particularly when considering the weight to be given to the conservation of these assets. The development by nature of its siting and appearance would therefore fail to preserve or enhance the character or

appearance of the Conservation Area and would be contrary to S25 and S28 of the Westminster City Plan (July 2016) and Policies DES1, DES7, DES9 (F), DES10 (D) of the City of Westminster Unitary Development Plan 2007.

Highway Safety

59. The proposal would be located in what appears to be a busy area, in a prominent position that is likely to be well used by pedestrians, given the presence of both office and commercial premises. While there is limited street furniture present in the area, the proposal would be situated on a tree lined pavement.
60. According to submitted plans the proposal would have a width of 1.3 metres. This would introduce a relatively wide element to the footpath which would diminish the useable area along this footpath and create a further obstacle along the pavement in addition to the line of trees already present. Consequently, the presence of the proposal would lead to a restriction in pedestrian flow and create the potential for footpath users to step off the pavement onto the road to navigate or avoid the blockage.
61. Taking the above together, I find that the proposal would have an unacceptably adverse effect on pedestrian permeability and highway safety in what is apparently a busy area. Accordingly it would be detrimental to the safe and efficient operation of the highway and would be contrary to Policies S41 and S7 of the Westminster City Plan (July 2016), Policy TRANS3 of the City of Westminster Unitary Development Plan 2007 and the Westminster Way Public Realm Strategy Design Principles and Practice Supplementary Planning Document adopted in September 2011.

Appeal F

Character and appearance

62. The proposal would be located on the footpath at Kilburn Park Road, on the corner junction with Rudolph Road. The immediate surrounding area is characterised by its diverse range of uses. The footpath abuts a school at the corner junction, and the Grade I Listed Building of St Augustine's Church is located on the opposite side of Kilburn Park Road, on its own prominent corner plot. Various residential buildings are also present in the immediate area. The corner footpath where the appeal site is located is particularly wide with minimal street furniture.
63. While the proposal would be located on a spacious corner plot adjacent to a bicycle rack, lamppost and a more varied range of buildings, it would nonetheless introduce a particularly contemporary style to the streetscape. As such, it would be noticeably different in design and character to the styles of buildings and street furniture present in the immediate area. Furthermore, from certain vantage points the proposal would also be experienced with the traditional styled St Augustines Church on the opposite side of the road. In this context its modern design becomes more apparent and would appear an incongruous addition to the street scene, detracting from the character of these structures.

64. The proposal would therefore cause harm to the character and appearance of the surrounding area by nature of its siting and appearance, and would comply with Policies S25 and S28 of the Westminster City Plan (July 2016) and Policies DES1 and DES7 of the City of Westminster Unitary Development Plan 2007 in this regard.

Listed Building

65. The proposal would be situated opposite the Grade I Listed Building of St Augustine's Church, with traditional red brick façade, pitched roofs and tall windows. In its current context the streetscape provides overlapping settings, with the surrounds in which the church is experienced having a largely more modern design. However, the Listed Building remains an imposing structure on a prominent corner plot, dominating the immediate area. This setting contributes to its visual significance and allows it to stand out as a notably historic building. The proposal would be experienced alongside the church, as part of the mixed setting. Nonetheless, its overtly modern design would further detract from the historic and visual significance of the building and therefore have a negative effect on the setting of this Listed Building.
66. The proposal would therefore cause visual harm to a designated heritage asset. However, it would not impact the fabric of the Listed Building, which is already sited in an area of a predominantly more modern style. As such, this would equate to 'less than substantial' harm in accordance with the National Planning Policy Framework (the Framework). Nonetheless this harm must still be given considerable importance and weight. Paragraph 196 of the Framework specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. From the information provided there are limited public benefits to the proposed development. It is acknowledged, however, that it would contribute to the provision of a telecommunications network.
67. Therefore, while the harm to the Listed Building would be less than substantial the benefits identified are not sufficient to outweigh that harm, particularly when considering the weight to be given to the conservation of these assets. The development would therefore fail to preserve or enhance the character or appearance of the Listed Building and would be contrary to Policies S25 and S28 of the Westminster City Plan (July 2016) and Policies DES1 and DES10 (D) of the City of Westminster Unitary Development Plan 2007 insofar as they relate to the listed building.

Highway Safety

68. The proposal would be located on a wide and sweeping section of the footpath in a corner plot location. Given the presence of the school, church and residential dwellings in the immediate vicinity it is likely to form part of a well used pavement by various pedestrians.
69. While the proposal would diminish the useable area of the footpath, the plans submitted show ample space would remain either side to allow pedestrians to pass through and make use of the pavement. Although the proposal would be in proximity to bicycle racks and lampposts also situated on this corner, these

elements are located further back towards the fence boundary with the school and uninterrupted passage by pedestrians would still be possible, without the need to step onto the road.

70. Taking the above together, I find that the proposal would not have an unacceptably adverse effect on pedestrian permeability and highway safety in what is apparently a busy area. Accordingly it would not be detrimental to the safe and efficient operation of the highway and would be in line with Policies S41 and S7 of the Westminster City Plan (July 2016), Policy TRANS3 of the City of Westminster Unitary Development Plan 2007 and the Westminster Way Public Realm Strategy Design Principles and Practice Supplementary Planning Document adopted in September 2011.

Appeal G

Character and Appearance

71. The proposal would be located on St John's Wood Road just outside the boundary of the St John's Wood Conservation Area. The surrounding area is characterised by its predominantly residential nature. The proposal would be located in front of a low rise red brick block of flats alongside a bicycle docking station. It would be situated across the road from an imposing, traditional styled red brick building which is surrounded by various other styles of residential buildings. The appeal site offers views into the nearby Conservation Area, which in the immediate area retains a residential feel. While modern commercial frontages and dwellings abut this boundary, the nature of development changes into a streetscene of primarily traditional red brick style dwellings with a historic character which defines the character and appearance of the Conservation Area. A traditional red phone box is also located within the boundary of this Conservation Area, and can be seen from the appeal site
72. The appeal site comprises a footpath where other items of street furniture are present, including lampposts and signage, along with a tree and the bicycle docking station. While the proposal would be located on a road lined with other street furniture and a more varied range of buildings, it would nonetheless introduce a particularly contemporary style to the streetscape, particularly when experienced in the context of the more traditional building across the road. As such, it would be noticeably different in design and character to the style of buildings and street furniture present in the immediate area. It would stand out as an incongruous addition to the footpath by nature of its overtly modern design, and further add to a sense of clutter along the pavement.
73. From certain vantage points the proposal would also be viewed in the context of this neighbouring Conservation Area. This is largely made up of more traditional buildings and structures, and in particular the proposal would be experienced alongside views of the red phone box present. In this context its modern design becomes more apparent and would appear an incongruous addition to the street scene, detracting from the character of these structures.
74. The proposal would therefore cause harm to the character and appearance of the surrounding area, and visual harm to a designated heritage asset on account of the inter-relationship between the site and the character of the Conservation Area. However, it would only be visible from a limited part of the

Conservation Area itself, which already has some modern elements in the immediate surrounds. As such, this would equate to 'less than substantial' harm in accordance with the National Planning Policy Framework (the Framework). Nonetheless this harm must still be given considerable importance and weight. Paragraph 196 of the Framework specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. From the information provided there are limited public benefits to the proposed development. It is acknowledged, however, that it would contribute to the provision of a telecommunications network.

75. Therefore, while the harm to the Conservation Area would be less than substantial the benefits identified are not sufficient to outweigh that harm, particularly when considering the weight to be given to the conservation of these assets. The development, by nature of its siting and appearance, would therefore fail to preserve or enhance the character or appearance of the Conservation Area and would be contrary to Policies S25 and S28 of the Westminster City Plan (July 2016) and Policies DES1, DES7 and DES9 (F) of the City of Westminster Unitary Development Plan 2007

Highway Safety

76. The proposal would be located on a stretch footpath that is likely to be well used by pedestrians, given the presence of residential premises, at the junction with the entrance to a block of flats. Its introduction would further diminish the useable area along a footpath that is already lined with various elements of street furniture, and create a further obstacle for pedestrians along the pavement.
77. According to submitted plans the proposal would have a width of 1.3 metres. This would introduce a relatively wide element to the footpath which, along with the signage, lamppost and trees already present would reduce the pavement width in its immediate area and create a narrow, usable stretch along this well used section of footpath. This narrow feel would continue along the road as pedestrians would walk towards the large cycle docking station. Consequently, the presence of the proposal would lead to a restriction in pedestrian flow and create the potential for footpath users to step off the pavement onto the road to navigate or avoid the blockage.
78. Taking the above together, I find that the proposal would have an unacceptably adverse effect on pedestrian permeability and highway safety in what is apparently a busy area. Accordingly it would be detrimental to the safe and efficient operation of the highway and would be contrary to Policies S41 and S7 of the Westminster City Plan (July 2016), Policy TRANS3 of the City of Westminster Unitary Development Plan 2007 and the Westminster Way Public Realm Strategy Design Principles and Practice Supplementary Planning Document adopted in September 2011.

Appeal H

Character and Appearance; Conservation Area

79. The proposal would be located on St John's Wood Road in proximity to the Lord's Tavern pub and within the St John's Wood Conservation Area. The character and appearance of the surrounding part of the Conservation Area is defined by its predominantly residential nature. The area immediately across the road from the appeal site is dominated by a large traditional style apartment building with a historic character on a footpath largely devoid of street furniture. By contrast the appeal site is located in front of a more modern block fronted by bins and signage. Continuing along St John's Wood Road the Lord Tavern pub, Lord's Cricket Ground and a traditional style phone box are located nearby.
80. While the proposal would be located adjacent to the more modern apartments on a road lined with other street furniture and a more varied range of buildings, it would nonetheless introduce a particularly contemporary style to the streetscape. As such, it would be noticeably different in design and character to the style of buildings and street furniture present in the immediate area. Furthermore, from certain vantage points the proposal would also be experienced with the buildings present on the opposite side of the road and the traditional phonebox near the cricket ground. In this context its modern design becomes more apparent and would appear an incongruous addition to the street scene, detracting from the character of these structures.
81. The proposal would therefore cause harm to the character and appearance of the surrounding area, and visual harm to a designated heritage asset. However, it would only be visible from a limited part of the Conservation Area, which already has some modern elements in the immediate surrounds. As such, this would equate to 'less than substantial' harm in accordance with the National Planning Policy Framework (the Framework). Nonetheless this harm must still be given considerable importance and weight. Paragraph 196 of the Framework specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. From the information provided there are limited public benefits to the proposed development. It is acknowledged, however, that it would contribute to the provision of a telecommunications network.
82. However, the individual benefit to the network arising from the apparatus would be small. Therefore, while the harm to the Conservation Area would be less than substantial the benefits identified are not sufficient to outweigh that harm, particularly when considering the weight to be given to the conservation of these assets. The development would therefore fail to preserve or enhance the character or appearance of the Conservation Area and would be contrary to Policies S25 and S28 of the Westminster City Plan (July 2016) and Policies DES1, DES7 and DES9 (F) of the City of Westminster Unitary Development Plan 2007.

Highway Safety

83. The proposal would be located in a prominent position near the corner of a footpath that is likely to be well used by pedestrians, given the presence of residential premises and the nearby pub and cricket grounds. Its introduction

would further diminish the useable area along a footpath that is already lined with various elements of street furniture, and create a further obstacle for pedestrians along the pavement.

84. According to submitted plans the proposal would have a width of 1.3 metres. This would introduce a relatively wide element to the footpath which, along with the signage, bins and trees already present would reduce the pavement width in its immediate area and create a narrow, usable stretch along this well used section of footpath. Consequently, the presence of the proposal would lead to a restriction in pedestrian flow and create the potential for footpath users to step off the pavement onto the road to navigate or avoid the blockage.
85. Taking the above together, I find that the proposal would have an unacceptably adverse effect on pedestrian permeability and highway safety in what is apparently a busy area. Accordingly it would be detrimental to the safe and efficient operation of the highway and would be contrary to Policies S41 and S7 of the Westminster City Plan (July 2016), Policy TRANS3 of the City of Westminster Unitary Development Plan 2007 and the Westminster Way Public Realm Strategy Design Principles and Practice Supplementary Planning Document adopted in September 2011.

Appeal I

Character and Appearance; Conservation Area

86. The proposal would be located on St John's Wood Road just outside the boundary of the St John's Wood Conservation Area. The surrounding area is characterised by its predominantly residential nature. The proposal would be located in front of an imposing, traditional styled red brick building which is surrounded by various other styles of residential buildings. The appeal site offers views into the nearby Conservation Area, which in the immediate area retains a residential feel. While modern commercial frontages and dwellings abut this boundary, the nature of development changes into a streetscene of primarily traditional red brick style dwellings with a historic character which defines the character and appearance of the Conservation Area. A traditional red phone box is also located within the boundary of this Conservation Area, and can be seen from the appeal site
87. The appeal site comprises a footpath along which various items of street furniture are present, including lampposts, signage and bicycle racks. Across the street, in front of the less traditional buildings present, a more modern bicycle docking station is located on the pavement. While the proposal would be located on a road lined with other street furniture and a more varied range of buildings, it would nonetheless introduce a particularly contemporary style to the streetscape. As such, it would be noticeably different in design and character to the style of buildings and street furniture present in the immediate area. It would stand out as an incongruous addition to the footpath by nature of its overtly modern design, and further add to a sense of clutter along the pavement.
88. From certain vantage points the proposal would also be experienced in the context of this neighbouring Conservation Area largely made up of more traditional buildings and structures, and in particular alongside views of the red

phone box present. In this context its modern design becomes more apparent and would appear an incongruous addition to the street scene, detracting from the character of these structures.

89. The proposal would therefore cause harm to the character and appearance of the surrounding area, and visual harm to a designated heritage asset. However, it does not fall within the Conservation Area and would only be visible from a limited part of the Conservation Area itself, which already has some modern elements in the immediate surrounds. As such, this would equate to 'less than substantial' harm in accordance with the National Planning Policy Framework (the Framework). Nonetheless this harm must still be given considerable importance and weight. Paragraph 196 of the Framework specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. From the information provided there are limited public benefits to the proposed development. It is acknowledged, however, that it would contribute to the provision of a telecommunications network.
90. However, the individual benefit to the network arising from the apparatus would be small. Therefore, while the harm to the Conservation Area would be less than substantial the benefits identified are not sufficient to outweigh that harm, particularly when considering the weight to be given to the conservation of these assets. The development, by nature of its siting and appearance, would therefore fail to preserve or enhance the character or appearance of the Conservation Area and would be contrary to Policies S25 and S28 of the Westminster City Plan (July 2016) and Policies DES1, DES7 and DES9 (F) of the City of Westminster Unitary Development Plan 2007

Highway Safety

91. The proposal would be located in a prominent position near the corner of a footpath that is likely to be well used by pedestrians, given the presence of numerous residential premises. Its introduction would further diminish the useable area along a footpath that is already lined with various elements of street furniture, and create a further obstacle for pedestrians along the pavement.
92. According to submitted plans the proposal would have a width of 1.3 metres. This would introduce a relatively wide element to the footpath which, along with the bicycle racks and tree already present immediately adjacent to the proposed location, would reduce the pavement width in its immediate area and create a narrow usable stretch along this section of footpath. Consequently, the presence of the proposal would lead to a restriction in pedestrian flow and create the potential for footpath users to step off the pavement onto the road to navigate or avoid the blockage.
93. Taking the above together, I find that the proposal would have an unacceptably adverse effect on pedestrian permeability and highway safety in what is apparently a busy area. Accordingly it would be detrimental to the safe and efficient operation of the highway and would be contrary to Policies S41 and S7 of the Westminster City Plan (July 2016), Policy TRANS3 of the City of

Westminster Unitary Development Plan 2007 and the Westminster Way Public Realm Strategy Design Principles and Practice Supplementary Planning Document adopted in September 2011.

Appeal J

Character and Appearance

94. The proposal would be located on the public footpath on Lisson Grove, directly in front of Penn House and opposite a row of terraces that comprise a Grade II Listed Building. The immediate surrounding area is characterised by its residential nature, with dwellings lining both sides of the street. On one side the street comprises a narrow footpath lined with the terrace of traditional dwellings with a strong consistency in terms of character, architecture and style. Immediately across the road the area is dominated by the Penn House flats which despite the traditional red brick design have a slightly more modern appearance due to more recent additions such as dormers and upgraded glazing. The footpath on this side is wider and contains various elements of street furniture and trees located on the pavement.
95. While the proposal would be located adjacent to the other street furniture, it would nonetheless introduce a particularly contemporary style to the streetscape. As such, it would be noticeably different in design and character to the street furniture present in the immediate area. Furthermore, from certain vantage points the proposal would also be experienced with the traditional buildings present on the opposite side of the road. In this context its modern design becomes more apparent and would appear an incongruous addition to the street scene, detracting from the character of these structures.
96. The proposal would therefore cause harm to the character and appearance of the surrounding area, and would comply with Policies S25 and S28 of the Westminster City Plan (July 2016) and Policies DES1 and DES7 of the City of Westminster Unitary Development Plan 2007 in this regard.

Listed Building

97. The proposal would be situated opposite the Grade II Listed Building row of terraced houses, with traditional façades. In its current context the streetscape provides overlapping settings, with the side of the street that the proposal would be located on having a largely more modern design. However, the Listed Building remains a prominent feature of the street in a plot towards the corner of Lisson Grove. It is situated alongside other properties with a similarly traditional feel which respect the character and style of the Listed Building and as such, this setting contributes to its historic and visual significance. The proposal would be experienced in the context of the Listed Building from certain vantage points, as part of the mixed setting. Nonetheless, its overtly modern design would further detract from the historic and visual significance of the building and therefore have a negative effect on the setting of this Listed Building.
98. The proposal would therefore cause visual harm to a designated heritage asset. However, it would not impact the fabric of the Listed Building, which is already sited in an area of with a range of modern styles. As such, this would equate to

'less than substantial' harm in accordance with the National Planning Policy Framework (the Framework). Nonetheless this harm must still be given considerable importance and weight. Paragraph 196 of the Framework specifies that where a development will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use. From the information provided there are limited public benefits to the proposed development. It is acknowledged, however, that it would contribute to the provision of a telecommunications network.

99. Therefore, while the harm to the Listed Building would be less than substantial the benefits identified are not sufficient to outweigh that harm, particularly when considering the weight to be given to the conservation of these assets. The development would therefore fail to preserve or enhance the character or appearance of the Listed Building and would be contrary to Policies S25 and S28 of the Westminster City Plan (July 2016) and Policies DES1 and DES10 (D) of the City of Westminster Unitary Development Plan 2007 insofar as they relate to the listed building.

Highway Safety

100. The proposal would be located on a footpath that is likely to be well used by pedestrians, given the presence of residential flats and a bus stop. Its introduction would diminish the useable area along this footpath and create a further obstacle along the pavement in addition to the elements already present.
101. While the proposal would be situated in a position where the footpath begins to widen, it would also be in proximity to the tree and associated soiled area which pedestrians would be unlikely to walk over. With a width of 1.3 metres it would introduce another area to the footpath that would further reduce the useable pavement width in its immediate location and create a narrow stretch. Consequently, the presence of the proposal would lead to a restriction in pedestrian flow and create the potential for footpath users to step off the pavement onto the road to navigate or avoid the blockage.
102. Taking the above together, I find that the proposal would have an unacceptably adverse effect on pedestrian permeability and highway safety. Accordingly it would be detrimental to the safe and efficient operation of the highway and would be contrary to Policies S41 and S7 of the Westminster City Plan (July 2016), Policy TRANS3 of the City of Westminster Unitary Development Plan 2007 and the Westminster Way Public Realm Strategy Design Principles and Practice Supplementary Planning Document adopted in September 2011.

Other considerations (All Appeals)

103. The appellant has referred to several appeal decisions regarding similar proposals for the installation of telephone kiosks. However, I have considered each proposal before me on its own individual merits and the specific circumstances and context of each case. The characteristics of the surrounding environment are notably different depending on the varied streetscape, the local environment and the presence, or otherwise of designated heritage

assets. Consequently, I am not satisfied that the other examples referred to are readily comparable to the proposals before me.

Overall conclusions

104. Having had regard to all matters raised, I recommend that the above appeals should be dismissed.

C Rafferty

APPEAL PLANNING OFFICER

Inspector's Decision

105. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

C Preston

INSPECTOR