



Appeal Decisions

Site visit made on 7 September 2020

by A Denby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 October 2020

Appeal A, Ref: APP/K5600/W/20/3244845 **Outside 510 King's Road, London, SW10 0LD**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against refusals to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended).
 - The appeal is made by Mr Nathan Still (Infocus Public Networks Ltd) against the decisions of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PA/19/03643, dated 20 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is replacement of an existing three-sided enclosed telephone kiosk (mark I), with a modern state of the art communications apparatus (mark II) pursuant to Class 16 of the Town and Country Planning (General Permitted Development) Order 2015.
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Appeal B, Ref: APP/K5600/W/20/3244846 **Outside 47 Sloane Avenue, London, SW3 3DH**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against refusals to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended).
 - The appeal is made by Mr Nathan Still (Infocus Public Networks Ltd) against the decisions of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PA/19/03641, dated 20 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is replacement of an existing three-sided enclosed telephone kiosk (mark I), with a modern state of the art communications apparatus (mark II) pursuant to Class 16 of the Town and Country Planning (General Permitted Development) Order 2015.
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Appeal C, Ref: APP/K5600/W/20/3244847 **Outside 284 Old Brompton Road, London, SW5 9HR**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against refusals to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended).
- The appeal is made by Mr Nathan Still (Infocus Public Networks Ltd) against the decisions of the Council of the Royal Borough of Kensington and Chelsea.
- The application Ref PA/19/03640, dated 20 May 2019, was refused by notice dated 18 July 2019.
- The development proposed is replacement of an existing three-sided enclosed telephone kiosk (mark I), with a modern state of the art communications apparatus (mark II)

pursuant to Class 16 of the Town and Country Planning (General Permitted Development) Order 2015.

Appeal D, Ref: APP/K5600/W/20/3244849
Outside 2 West Cromwell Road, London SW5 9QJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against refusals to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended).
 - The appeal is made by Mr Nathan Still (Infocus Public Networks Ltd) against the decisions of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PA/19/03638, dated 20 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is replacement of an existing three-sided enclosed telephone kiosk (mark I), with a modern state of the art communications apparatus (mark II) pursuant to Class 16 of the Town and Country Planning (General Permitted Development) Order 2015.
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Appeal E, Ref: APP/K5600/W/20/3244855
Outside 66 West Cromwell Road, London SW5 9QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against refusals to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended).
 - The appeal is made by Mr Nathan Still (Infocus Public Networks Ltd) against the decisions of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PA/19/03627, dated 20 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is replacement of an existing three-sided enclosed telephone kiosk (mark I), with a modern state of the art communications apparatus (mark II) pursuant to Class 16 of the Town and Country Planning (General Permitted Development) Order 2015.
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Appeal F, Ref: APP/K5600/W/20/3244859
Outside 95 Cromwell Road, London SW7 4SF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against refusals to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended).
 - The appeal is made by Mr Nathan Still (Infocus Public Networks Ltd) against the decisions of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PA/19/03620, dated 20 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is replacement of an existing three-sided enclosed telephone kiosk (mark I), with a modern state of the art communications apparatus (mark II) pursuant to Class 16 of the Town and Country Planning (General Permitted Development) Order 2015.
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Appeal G, Ref: APP/K5600/W/20/3244864
Corner of Kensington High Street and Warwick Road, London W14 8QZ

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

- The appeal is made by Mr Nathan Still (Infocus Public Networks Ltd) against the decisions of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PA/19/03672, dated 20 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is replacement of an existing three-sided enclosed telephone kiosk (mark I), with a modern state of the art communications apparatus (mark II) pursuant to Class 16 of the Town and Country Planning (General Permitted Development) Order 2015.
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Appeal H, Ref: APP/K5600/W/20/3244868

Outside 65 Kensington Church Street, London W8 4BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against refusals to grant approval required under Article 3(1) and Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order (England) 2015 (as amended).
 - The appeal is made by Mr Nathan Still (Infocus Public Networks Ltd) against the decisions of the Council of the Royal Borough of Kensington and Chelsea.
 - The application Ref PA/19/03708, dated 20 May 2019, was refused by notice dated 18 July 2019.
 - The development proposed is replacement of an existing three-sided enclosed telephone kiosk (mark I), with a modern state of the art communications apparatus (mark II) pursuant to Class 16 of the Town and Country Planning (General Permitted Development) Order 2015.
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Decision

1. The appeals are dismissed.

Background and Procedural Matters

2. The appeals relate to individual proposals at 8 sites for the installation of public telephone kiosks. The kiosks would be of the same design and sited within the pavement area of the public highway in the Royal Borough of Kensington and Chelsea. Consequently, whilst I have considered each proposal on its individual merits, I consider it appropriate to issue a single decision covering the 8 appeals.
3. I have used the site addresses stated on the decision notices as they more accurately reflect the proposed locations of the kiosks. They are also the addresses given on the appeal forms.
4. On 25 May 2019, the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 came into force, amending the General Permitted Development Order (GPDO). This amendment removes the permitted development right to install a public call box under Schedule 2, Part 16, Class A of the GPDO. However, transitional and saving provisions at Part 5 of the 2019 Regulations provide that where an appeal has been made within 6 months of the date of notice of refusal of a prior approval application submitted before 25 May 2019, the planning permission granted by Schedule 2, Part 16, Class A continues to have effect in relation to a public call box as if the amendments made to the GPDO by the 2019 Regulations had not been made. That is the case in respect of the appeals before me.

5. The appellant is an electronic communications code operator and therefore benefits from deemed planning permission for call boxes that fall within the permitted development rights of Schedule 2, Part 16, Class A, paragraph A.1 of the GPDO, subject to the prior approval requirements under paragraph A.3. The appellant applied to the Council on that basis and prior approval was refused.
6. The reason for refusal in each appeal is the same. The Council considered that the proposed kiosk development falls outside the scope of Class A, Part 16, Schedule 2 of the GPDO as they found that the design and form of the structure demonstrates it would not be solely for the purpose of the operator's telecommunications network, but for a dual purpose as a 'Digital Communication Hub' and for the display of advertisements.
7. The issue of whether or not the inclusion of advertising on public call boxes could mean they have dual purpose was considered by a High Court judgement¹ (Westminster judgement) which found that a development "falls outside the scope of Class A Part 16 if it is not "for the purpose" of the operator's network. Therefore, if the development is partly for some other purpose beyond that of the operator's network, it is not development "for the purpose" of the operator's network, precisely because it is for something else as well.
8. The National Planning Policy Framework (the Framework) supports high quality communications infrastructure and requires that local planning authorities must determine applications on planning grounds only. In accordance with the provisions of Schedule 2, Part 16 of the GPDO, and subject to any relevant exception, limitation or condition specified therein, development by or on behalf of an electronic communications code operator for the purpose of the operator's electronic communications network is permitted development. Therefore, matters such as the need for the development are not at issue in this appeal.

Main Issues

9. Having regard to the above the main issues are therefore;
 - whether the proposals would be permitted development, with particular regard to whether they are solely for the purpose of the operator's electronic communications network; and if so,
 - the effect of the siting and appearance of the proposed kiosks with particular regard to effects on the street scene and, in relevant cases, the character and appearance of conservation areas.

Reasons

Permitted Development

10. The Council contend that the kiosk is dual purpose as it has a full HD (LED) screen for advertising which is an integral part of the structure. They also state that the rear of the kiosk is disproportionately large relative to the size of the equipment to be housed and it would be just to facilitate advertising.

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

11. The technical specification for the kiosk design does include reference to a 32" display screen and this can be seen in the visual provided. However, from the details submitted it is clear that this comprises the touch screen for the communication apparatus and there is no reference to it being used for the purpose of advertising.
12. The rear panel of the kiosk would consist of a large, flat, solid surface and I recognise that this area could potentially be used for the display of advertisements. However, there is little indication within the detail submitted that the kiosk has been purposefully designed to facilitate advertising. There are no openings, removable panels or lighting to accommodate poster advertising or a digital advertising screen other than that proposed for the telecommunications use.
13. I accept that the size, design and configuration of the proposed units would be such that it could potentially be adapted to enable a display unit to be situated on or replace the rear of the structure. However, I have considered these appeals on the basis of the submitted drawings and information. If such a kiosk were to be altered or used in that way in the future, then it would be open to the Council to consider whether or not the resultant development would take on a dual purpose.
14. I am also aware that the deemed consent provisions of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, relating to advertisements on telephone kiosks, were revoked in May 2019 and that consent for the display of advertisements did not form part of the appeal proposal.
15. The evidence before me does not show that the proposed kiosk is intended to support advertising or that it would have a dual-purpose bearing in mind the Westminster judgement. I am therefore satisfied that, for the purposes of these appeals, the proposals would have been permitted development when applying the criteria in Part 16, Schedule 2 of the GPDO.
16. However, under Part 16, development such as that proposed under these appeals would then be subject to a condition that the prior approval of the Council must be sought for the siting and appearance of the development. The Council did not consider these matters in their original determination though their submissions to the appeals state that prior approval should be withheld, and I turn to this matter next.

Siting and appearance

17. The provisions of the GPDO require the proposed development to be assessed solely on the basis of its siting and appearance. Therefore, whilst the appellant has referred to the purported benefits of the proposed kiosks, I have not taken these matters into account, other than in respect of heritage assets where the Framework advises, at Paragraph 196, "where a development proposal 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".
18. The proposed kiosks are all of the same design and would comprise a freestanding steel frame structure enclosed to all sides with grey coloured

panels. To one side there would be a glazed canopy, incorporating a solar panel, over the display screen and telephone handset.

19. At each of the appeal sites there are already existing telephone kiosks of a more traditional style, having a square footprint and being enclosed on 3-sides, and these would be removed as part of the proposals. The proposed kiosk would be slightly narrower in width and, in terms of their impact on the flow and safety of pedestrians, the Council have raised no concerns. From what I have seen and read I have no reason to disagree with this. I have however that Transport for London objected in terms of the proposals contributing to a cluttered streetscape.

Appeal A - Outside 510 King's Road, London, SW10 0LD

20. The appeal site would occupy a prominent position close to the road junction of the King's Road and Edith Grove, within the Sloane Stanley conservation area (SSCA) and the statutory requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
21. There is a high quality of architecture throughout the SCCA creating a characterful and attractive townscape where the relatively uncluttered streets form an important element of their special interest and hence significance. The surrounding area comprises predominately of residential properties though there are some commercial properties in the vicinity of the site at ground floor level.
22. The kiosk would sit at one end of a relatively short length of public footpath between the junctions of the King's Road with Edith Grove and Slaidburn Street. Within this section of footpath, and in close proximity to the appeal site, there is already another phone kiosk, of a similar size and design to that proposed, cycle stands and waste bin, and the proposal would add to this cluttered appearance.
23. The existing kiosk at the appeal site is a black framed, glazed, kiosk and although advertising is incorporated on one side it is visually, a relatively lightweight structure. The proposed replacement kiosk would be of a similar height and width, being marginally taller and slightly narrower. However, it would have a much bulkier appearance due to the solid nature of the structure, in particular the large, blank, elevation to the footway in one direction.
24. Whereas the existing structure permits some views through, the proposed kiosk would be an imposing and dominant feature, particularly in longer views along the King's Road, and due to its prominence and overall bulk would detract from the character of the street and views in the SCCA. This harm would be less than substantial in the Framework's terms as it would relate to a discrete part of the Conservation area.
25. The appellant states that the proposed kiosk design would be more accessible for wheelchair users and those with pushchairs, and the public benefits of the provision of a telecommunications network are acknowledged. However, when taking account that great weight should be given to the conservation of

heritage assets in accordance with the Framework, I do not consider that the public benefits of the proposal outweigh the harm I have found.

26. For the reasons set out above I therefore conclude that the siting and appearance of the kiosk would result in unacceptable harm to the character and appearance of the area and SSQA. This harm justifies the refusal of prior approval and dismissal of this appeal.
27. Concerns were raised that the proposal would result in disturbance to nearby residents. I saw on my site visit there are residential flats above the ground floor commercial units. I also saw that the King's Road is heavily trafficked. Considering this, and the siting of the kiosk close to the road, I consider any impact in relation to noise and disturbance would not be sufficient reason for refusal.
28. I acknowledge any impact may be different during the night though there is little specific or substantive evidence of the potential detrimental effect on living conditions. Similarly, with regards to anti-social behaviour (ASB) the kiosk would be on a main, lit route and I note the appellant has sought to address issues around ASB experienced with other kiosks by amending the functions that would be available. As detailed above the kiosk would not include any advertising and the communications screen would not be of sufficient size to have any significant impact on residential properties above. However, the absence of harm in this respect does not weigh in favour of the appeal.

Appeal B - Outside 47 Sloane Avenue, London, SW3 3DH

29. The site is located within the pavement close to the road junction of Sloane Avenue with Whitehead's Grove. There are substantial grand terraced buildings on either side of the road, though the pavements are wide and mature trees line the highway. The linear nature of the road permits long reaching views along Sloane Avenue. There is regularity in the street scene which, in part, comes from the consistent spacing of the street trees and the area has an open and spacious character.
30. The proposed kiosk would be in close proximity to an existing tree and in a very prominent position adjacent to a pedestrian crossing. There is other street furniture in the vicinity, including lighting columns, posts and a parking ticket machine, though these are all relatively slender features.
31. Further along the footway is another telephone kiosk in addition to the existing kiosk at the appeal site. Whilst these have a larger overall footprint than the kiosk proposed, they are lightweight structures comprising predominately of a thin black frame with glazing. The proposed replacement kiosk would be of a similar height and width, being marginally taller and slightly narrower. However, it would have a much bulkier appearance due to the solid nature of the structure, in particular the large, blank, elevation to the footway in one direction.
32. The proposed kiosk would be a conspicuous feature, and a bleak visual interruption in the street that would detract from its existing character. The prominent position of the kiosk would only further exacerbate its incongruity. Consequently, the siting and appearance of the kiosk would harm the character

and appearance of the area. This harm justifies the refusal of prior approval and the dismissal of this appeal.

Appeal C - Outside 284 Old Brompton Road, London, SW5 9HR

33. The appeal site is located within the pavement in very close proximity to the road junction of Old Brompton Road with Warwick Road and Finborough Road. This is a wide junction, split by a large pedestrian refuge where there is a raised grassed area, with tree planting, enclosed by a low-level wall. The area has an open and spacious character and the kiosk would occupy a very prominent position in the street and there would be clear views of it from the surrounding area.
34. The existing kiosk has a lightweight frame and contains areas of glazing which permits some views through it and along the street. The proposed kiosk by contrast, although having a smaller footprint, would have a much bulkier appearance due to the solid nature of the structure, in particular the large, blank, elevation that would be particularly conspicuous when viewed from Finborough Road.
35. There are 2 substantial billboard advertisements in close proximity to the site and, further along the pavement to the east, there are other telephone kiosks and a freestanding broadband kiosk. The proposed kiosk would add to this existing clutter and, considering its design and prominent position, would be a conspicuous feature, resulting in a more cluttered appearance than that of the existing arrangement, and this would harm the character and appearance of the area. This harm justifies the refusal of prior approval and the dismissal of this appeal.

Appeal D - Outside 2 West Cromwell Road, London SW5 9QJ

36. The appeal site is within a wide section of pavement close to the road junction of West Cromwell Road with Earls Court Road. West Cromwell Road is a busy road, with multiple lanes of traffic separated by central reservations. There is a different character to the development either side of the road in this location, with that to the south comprising predominately of the rear boundary treatment to the adjacent development, and a large digital advertising panel running parallel to the highway.
37. In contrast, the development to the north of the road adjacent to the appeal site comprises of grand 3-storey terraced properties, set back from the pavement with enclosed front gardens and further accommodation provided at basement level and within the roof.
38. Mature street trees line the wide pavement and, aside from some existing posts and cycle stands, which are all relatively slender features, there is little in the way of street furniture. As such the area has an open and spacious character.
39. The existing kiosk at the appeal site is a black framed, glazed, kiosk and although advertising is incorporated on one side it is also a relatively lightweight structure. The proposed replacement kiosk would be of a similar height and width, being marginally taller and slightly narrower. However, it would have a much bulkier appearance due to the solid nature of the structure, in particular the large, blank, elevation to the footway in one direction.

40. The kiosk would be at a point where the footpath widens and, considering its proximity to the road, size, siting and appearance, be a prominent and incongruous feature that would be at odds with the prevailing open character and therefore harm the character and appearance of the area. This harm justifies the refusal of prior approval and the dismissal of this appeal.

Appeal E - Outside 66 West Cromwell Road, London SW5 9QS

41. The appeal site is within a wide section of pavement close to the road junction of West Cromwell Road with Cromwell Crescent. West Cromwell Road is a busy road with multiple lanes of traffic which, at this point, are separated by a central reservation with mature landscaping.
42. Other than a few slender features such as cycle stands and lampposts the surrounding area is largely devoid of street furniture. There is the existing kiosk at the appeal site and a bus stop further along the pavement, though these consist of a slim frame and glazing, and although both incorporate advertising to one side, they are relatively lightweight structures. The bus shelter is also set back, adjacent to the bus lay-by and in line with existing street trees, and so not as visually prominent.
43. The proposed replacement kiosk would have a much bulkier appearance due to the solid nature of the structure, in particular the large, blank, elevation to the footway. The kiosk would also be at a point where the footpath widens and considering its proximity to the road, size, siting and appearance, be a prominent and incongruous feature that would be at odds with the prevailing open character and therefore harm the character and appearance of the area. This harm justifies the refusal of prior approval and the dismissal of this appeal.

Appeal F - Outside 95 Cromwell Road, London SW7 4SF

44. The appeal site is located close to the junction of Cromwell Road with Gloucester Road. There are a number of cycle stands to the corner of the road and further along the pavement, on Gloucester Road, there is a public toilet, utility boxes, telephone kiosk, lampposts and a retail kiosk. The proposed kiosk would also be situated directly adjacent to a mature tree. As such, the proposal would result in a congested appearance and a more cluttered appearance than that of the existing arrangement.
45. The existing street furniture, further west along Cromwell Road, predominately consists of slender features such as lighting columns. Whilst the existing kiosk at the appeal site is a relatively lightweight structure, the proposed replacement kiosk would have a much bulkier appearance due to the solid nature of the structure, in particular the large, blank, rear elevation. In this context, due to its size, siting and appearance, the proposal would be a far more dominant feature when viewed from Cromwell Road.
46. The appeal site is located close to the Queens Gate Conservation Area (CA) and there are grand terraces to the opposite side of the road and beyond the road junction to the east of the site. Whilst the kiosk would be a prominent feature, considering the separation between these buildings and the appeal site, due to the width of the road, I am satisfied that the setting and therefore significance

of the CA would be adequately preserved. This does not however outweigh the harm identified above.

47. For the reasons set out above I therefore conclude that the siting and appearance of this proposal would result in unacceptable harm to the character and appearance of the area. This harm justifies the refusal of prior approval and dismissal of this appeal.

Appeal G - Corner of Kensington High Street and Warwick Road, London W14 8QZ

48. The appeal site is located within the pavement close to the road junction of Kensington High Street with Warwick Road. There is a large area of public footpath to this junction which incorporates a raised area of mature planting enclosed by a low-level wall. Furthermore, there are mature street trees further along the pavement and on the opposite side of the road which, with the raised planting, provides some softening and visual relief from the urban environment.
49. In addition, there is a parking cycle hub for hire cycles, standard cycle stands and a freestanding broadband kiosk in the vicinity of the site. However, due to the raised planting area the proposed kiosk would be visually detached from these existing features and appear as an isolated structure in the street.
50. The existing kiosk is a lightweight structure and, despite the advertising panel, is not an overly prominent feature. The proposed kiosk by contrast would have a much bulkier appearance due to the solid nature of the structure and present a large, blank, elevation to the pavement. It would be a conspicuous feature and detract from the positive contribution the existing landscaping makes to the character of the street. Consequently, the siting and appearance of the kiosk would harm the character and appearance of the area. This harm justifies the refusal of prior approval and the dismissal of this appeal.

Appeal H - Outside 65 Kensington Church Street, London W8 4BA

51. The appeal site would occupy a prominent position on a distinct curved section of Kensington Church Street within the Kensington conservation area (KCA) and the statutory requirements of Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
52. The KCA covers a wide area and there is a high quality of architecture throughout. The size of the road is reflective of its status as a main route and the buildings directly respond to its curved alignment and, with the relatively uncluttered streets, forms an important element of the special interest and hence significance of the KCA.
53. Due to the alignment of the road the proposed kiosk, would occupy a very prominent position. Owing to its size and design it would also have a bulky appearance and appear as a solid form in the street scene, detracting from important vistas in the KCA. This impact would be distinctly different to the existing kiosk at the site which has a slender frame and a more lightweight appearance in the street. This harm would be less than substantial in the Framework's terms as it would relate to a discrete part of the Conservation area.

54. The appellant states that the proposed kiosk design would be more accessible for wheelchair users and those with pushchairs, and the public benefits of the provision of a telecommunications network are acknowledged. However, when taking account that great weight should be given to the conservation of heritage assets in accordance with the Framework, I do not consider that the public benefits of the proposal outweigh the harm I have found.
55. For the reasons set out above I therefore conclude that the siting and appearance of this proposal would result in unacceptable harm to the character and appearance of the area and KCA. This harm justifies the refusal of prior approval and dismissal of this appeal.

Conclusion

56. Whilst I have not found the proposed kiosks to have a dual purpose, I have found that they would result in unacceptable harm to the character and appearance of the street scene. These harms would not be outweighed by any public benefit and therefore, for the reasons given above, the appeals are dismissed.

A Denby

INSPECTOR