



Appeal Decision

Site Visit made on 25 May 2021

by G Rollings BA(Hons) MAUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2021.

Appeal Ref: APP/A5270/W/20/3264447

Outside Itsu, The Broadway Centre , Ealing, W5 5JY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant [outline] planning permission.
 - The appeal is made by JCDecaux UK Limited against the decision of London Borough of Ealing.
 - The application Ref 20/3381/FUL, dated 26 August 2020, was refused by notice dated 3 November 2020.
 - The development proposed is described as "permission to replace an existing telephone box with a state of the art Communication Hub."
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. This decision refers only to the appeal as described above. The proposed integrated advertisement panel within the development is addressed in a separate decision.¹
3. A new version of the *London Plan* was adopted in early 2021, following the Council's decision and after lodgement of the appeal. This supersedes the previous version.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the Ealing Town Centre Conservation Area; and
 - The effect of the proposed development on highway safety.

Reasons

Character and appearance

5. The development site is a kerbside location on the pedestrian pavement of a high street. There was no existing phone box present on the appeal site when I visited; rather, the location was vacant. There are several communication kiosks close to the site, particularly on the other side of the road, as well as street furniture such as a bicycle rack, roadside equipment cabinets, bins, poles and signs, and suchlike. The street has the appearance of a busy urban centre, with a high level of activity, and there is a degree of visual clutter.

¹ Appeal ref: APP/A5270/W/20/3264216

6. The Council's *Ealing Town Centre Conservation Area Management Plan* (2007) sets out the authority's approach to managing the area. Although not a recent document, it remains current and its adoption following community consultation means that it has some weight in my decision. One of its aims is the management or reduction of pavement obstructions and visual clutter. The proposed facility, although not appearing out of place amongst the existing street furniture, would create new visual clutter and fail to accord with the aims of the Management Plan. As such, it would result in a small degree of harm and would therefore neither preserve nor enhance the character or appearance of the Conservation Area.
7. In balancing this less than substantial harm against the public benefits of the proposal, as required by the *National Planning Policy Framework* (2019) (the Framework) paragraph 196, I consider that there would be a public benefit in providing facility, which would include a defibrillator, and this must be balanced against the minor harm to character and appearance. I appreciate that similar examples have been allowed in other Conservation Area high streets within the borough, but have in this regard I have paid particular regard to the unique significance of Ealing's high street.
8. I therefore conclude that the proposed development would have a detrimental effect on the character and appearance of the Conservation Area, but that this is mitigated by the public benefit. There would be conflict with the Council's *Development Strategy 2026 Development Plan Document* (2012) (the DS) Policies 1.1, 1.2 (f), 1.2 (g), 2.1c; its *Development Management Development Plan Document* (2013) (the DMDPD) Policies 7.4, 7B and 7C and London Plan Policies D8 and HC1. Together, these seek to provide high quality design that preserves the significance of heritage assets, amongst other considerations.

Highway safety

9. The pedestrian pavement on and around the site varies significantly in width. However, the area immediately around the site is one of the narrower parts. Its width is constrained by the outdoor café enclosure of Itsu, a bicycle rack and an equipment cabinet. This, in conjunction with the proximity of the appeal site to a pelican crossing and the high pedestrian activity during my visit, meant that the existing pavement was particularly congested. To further restrict the width of this pavement would exacerbate this congestion. Moreover, given the high numbers of passers-by using the pelican crossing and its closeness to the site, I am concerned that such conditions could interfere with pedestrian visibility of vehicular traffic, and vice-versa.
10. I therefore conclude that the proposed development could have a harmful impact on highway safety. It would conflict with DS Policies 1.1, 1.2 (f) and 2.1, and London Plan Policies T1, T2 and T4, which together, require development to not increase road danger and promote healthy streets, amongst other considerations. These policies are consistent with the sustainable transport objectives of the Framework.

Conclusion

11. I have found that the Conservation Area harm would be mitigated by the public benefit of the proposal. However, there would be significant harm to highway safety. This harm outweighs any public benefit and for this reason, the appeal is dismissed. There are no material considerations to indicate that I should

determine the appeal other than in accordance with the Development Plan for the area.

12. For the reasons given above I conclude that the appeal should be dismissed.

G Rollings

INSPECTOR