



Appeal Decisions

Site visit made on 9 March 2022

by Colin Cresswell BSc (Hons) MA MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21ST March 2022

Appeal A- Ref: APP/E5900/W/21/3281876

Pavement at Mansell Street junction with Whitechapel High Street, London E1 8QS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Martin Stephens (JCDecaux) against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/21/01106, dated 13 May 2021, was refused by notice dated 30 July 2021.
 - The development proposed is replacement and upgrade of an existing telephone kiosk with a modern multifunction hub unit.
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Appeal B- Ref: APP/E5900/W/21/3281883

Pavement at Mansell Street junction with Whitechapel High Street, London E1 8QS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by Mr Martin Stephens (JCDecaux) against the decision of the Council of the London Borough of Tower Hamlets.
 - The application Ref PA/21/01107, dated 13 May 2021, was refused by notice dated 2 August 2021.
 - The development proposed is single sided 6 sheet illuminated advertisement showing static images that change in sequence.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Procedural Matters

3. The descriptions of development in the headings above have been taken from the Appeal Forms rather than the Application Forms.
4. I refer to the different cases as Appeal A and Appeal B. I have dealt with each appeal on its individual merits, but to avoid duplication both proposals are considered together in this decision.
5. Both appeals concern the same proposal for a kiosk. Appeal A seeks planning permission for the kiosk itself, whereas Appeal B seeks advertisement consent for the advertising panels which would be attached to the kiosk.
6. Subject to a planning condition, the proposed kiosk would replace an existing public telephone box situated approximately 35 metres to the north.

Main Issues

7. The main issues in Appeal A are:

- the effect of the proposal on the character and appearance of the area.
- the effect of the proposal on pedestrian movement.

The main issue in Appeal B is:

- the effect of the proposal on visual amenity.

Reasons

Appeal A

Character and appearance

8. The proposed new kiosk would be situated on the pavement in Mansell Street, close to the edge of the kerb. This part of Mansell Street is dominated by large commercial buildings and is a particularly busy area for traffic and pedestrians. Braham Street, immediately to the east, has rather different characteristics as it is landscaped and mainly pedestrianised. It has a relatively lengthy expanse of grass and young trees which, in contrast to other parts of the pedestrian environment, maintains a distinctly open and vegetated appearance. When walking along Braham Street towards Mansell Street, the tall buildings on either side create a corridor effect, focussing views towards the part of the pavement on which the kiosk would be situated.
9. I note that there is some existing street furniture in this area, including waste bins and a row of bicycle racks. However, these are lightweight structures which maintain the open outlook at the end of the pedestrianised area. The kiosk, on the other hand, would be notably larger than the bins and bicycle racks with a more complex design. When approaching the site from Braham Street to the east, the kiosk would silhouette against Mansell Street, appearing visually isolated and somewhat out of context on this particular part of the pavement. It would distract from the open and vegetated characteristics of this area, harming the appearance of the street scene.
10. I am nonetheless mindful that the proposal would result in the removal of the existing telephone box further to the north. The telephone box is in a very poor state of repair and was not functional when I visited. Being situated in the middle of the pavement, it represents something of an eyesore in the vicinity of nearby Grade II listed buildings in Aldgate High Street.
11. However, the benefit of removing the existing telephone box would be somewhat limited considering that the proposed kiosk would result in visual harm a short distance away elsewhere in Mansell Street. While the new kiosk would have smaller footprint than the existing kiosk and would be of a more contemporary design, this does not alter my view that it would look out of context in its local setting. Besides, I am not convinced that the introduction of the new kiosk on this particular part of the Mansell Street pavement is necessarily only way to secure removal of the old telephone box.

12. I am aware of previous proposals for a kiosk in a similar location which were dismissed at appeal¹. There are differences between those schemes and the proposal before me in the current appeal and I have determined the current appeal on its own merits. While I appreciate that other kiosks have gained planning permission elsewhere in the wider vicinity, this is not an optimal position on the pavement for the proposed kiosk in this case.
13. I conclude on this issue that the proposed kiosk would harm the character and appearance of the area. It would conflict with the urban design objectives of Policy D.DH8 of the Local Plan² and Policy D8 of the London Plan³.

Pedestrian movement

14. The proposed kiosk would have a relatively small footprint and would be positioned on the side of the pavement closest to the kerb, where there is already some street furniture. Considering that the pavement is comparatively wide and open at this point, the kiosk would not interfere with the free flow of pedestrians to any harmful extent. The proposal would also result in the removal of the existing telephone box to the north. This is larger than the proposed kiosk and is centrally located on the pavement, where it forms something of an obstruction to pedestrians.
15. This leads me to conclude on this issue that the proposed kiosk would have an acceptable effect on pedestrian movement. There would be no conflict with the public amenity objectives of Policies D.DH8 and S.DH1 of the Local Plan or Policy D8 of the London Plan.

Other considerations

16. Apart from a public telephone, the proposed new kiosk (described as a multifunction hub) would also have a touchscreen with internet access, USB charging points, public Wi-Fi and would also contain a defibrillator. These are public benefits which should not be overlooked. However, relatively little information has been provided to indicate the need for such facilities in this specific location. In the absence of such evidence, I am unable to determine that these benefits would clearly outweigh the harm to character and appearance that I have identified above.

Appeal B

Visual amenity

17. Although the Council has quoted various development plan policies in its reasons for refusal in Appeal B, the Regulations⁴ limit my considerations to issues of public safety and amenity. Nonetheless, it seems to me that most of the planning concerns which were relevant in Appeal A (for the kiosk) are equally relevant in Appeal B (for the advertising). Based on the reasoning provided elsewhere in this decision, the size and positioning the proposed advertising display would undermine the open and verdant appearance of the street scene in this location. I therefore conclude on this issue that visual amenity would be harmed.

¹ Appeal Decisions: APP/E5900/Z/18/3210452 & APP/E5900/W18/3212689

² Tower Hamlets Plan Local Plan 2031, adopted January 2020

³ The London Plan, March 2021

⁴ Town and Country Planning (Control of Advertisements) (England) Regulations 2007

Conclusion

18. For the reasons given above, Appeals A and B are dismissed.

C Cresswell

INSPECTOR