



Appeal Decision

Site visits made on 13 October 2025 and 27 October 2025

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 November 2025

Appeal Ref: APP/B4215/W/25/3369544

Footpath outside 473 Kingsway, Manchester M19 1NR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
- The appeal is made by Simon Warner of BT Group PLC against the decision of Manchester City Council.
- The application Ref is 142784/FO/2025.
- The development proposed is described as installation of 1no. BT Street Hub Unit and associated advertisement panels on either side of the unit.

Decision

1. The appeal is allowed and planning permission is granted for installation of 1no. BT Street Hub Unit and associated advertisement panels on either side of the unit at footpath outside 473 Kingsway, Manchester M19 1NR in accordance with the terms of the application, Ref 142784/FO/2025, subject to the following conditions:
 - 1) The development must be begun not later than the expiration of three years beginning with the date of this permission.
 - 2) The development hereby approved shall be carried out in accordance with the following approved plans:
 - 002 - Proposed Site Plan (Rev B)
 - 004 - Proposed Site Elevation (Rev B)
 - BT Street Hub Unit Dimensions
 - 3) The development hereby approved shall be installed and maintained at all times thereafter in accordance with the details specified within the documents titled:
 - Street Hub Product Statement (V2.0, September 2024);
 - Street Hubs Anti-Social Behaviour Management Plan (Version 3);
 - Street Hub Noise Management Plan (Version 2)
 - 4) Within three (3) months of development commencing, the existing BT payphone box indicated for removal on plan ref: 002 - Proposed Site Plan (Rev B), shall be removed in its entirety and the land made good to the same condition as the adjacent land.

Preliminary Matters

2. An initial site visit was made on 13 October 2025. A follow-up site visit was undertaken on 27 October 2025.

Main Issues

3. The main issues are the effect of the proposal on:
- the character and appearance of the area; and
 - highway and pedestrian safety.

Reasons

Character and appearance

4. The appeal relates to a section of pavement located at the corner of the busy signal-controlled junction of Kingsway (A34), Lane End Road and Fog Lane. The site is within the Burnage District Centre and is situated in front of a parade of two-storey properties with commercial uses at ground floor level.
5. The pavement outside these properties is wide and comprises of two different materials. Adjacent to the vehicular carriageway the pavement is surfaced with block pavings, whereas close to the shop frontages it has what appears to be an asphalt surface between regular, narrow rows of block paving. The contrast between these materials provides a modern, attractive and welcoming area of public realm to the front of these properties.
6. Street furniture in the immediate vicinity includes street trees, lighting columns, road signs, bollards, sections of metal safety railings separating the carriageway from the footway, a bin and a payphone kiosk. The presence of street furniture is therefore an established characteristic along this section of the pavement, as well as within the commercial context of the surrounding area in general.
7. The appeal proposal seeks to remove the existing payphone kiosk and erect a street hub unit. The proposed installation would be an upstanding rectangular structure and would be positioned to the east of the existing kiosk. The hub would house features that provide free Wi-Fi, free UK calls, USB charging, access to emergency services and other facilities.
8. The proposed hub would have advertisement panels on either side, and according to the appellant's submitted evidence advertisement consent¹ has been granted for these adverts. This matter is not disputed by the Council.
9. The submission also details that two additional kiosks at 244 Fog Lane and 569 Burnage Lane would be removed. However, these two kiosks are located away from the appeal site and I found them to be visually unrelated. The potential benefits of the removal of these two additional kiosks have therefore not factored into my determination of this appeal.
10. The existing kiosk directly to the west, which is positioned on the same section of footway, is however visually well related to the appeal site. This kiosk has a bulky appearance, and I observed that it contains graffiti. In its present state this item of street furniture looks visually unattractive, and its removal would be of some visual benefit to the immediate surroundings.
11. That said, the proposed hub would be wider and taller which would increase its prominence in comparison to the existing kiosk to be removed. Nevertheless, given

¹ Council Ref: 142785/AOH/2025

the commercial nature of the area and the existing features within the street scene, the increase in height and prominence resulting from the proposal would not be such that it would lead to harm to the character and appearance of the area.

12. I also acknowledge that the siting of the hub closer to an existing lamppost and bollard would result in a degree of clutter from street furniture in that specific location, however not to an unacceptable degree. Moreover, the removal of the existing kiosk, which has a larger footprint than the slim and modern designed hub, would reduce clutter elsewhere on this particular section of pavement and ensure that the proposal would not result in an overall increase in street clutter outside this parade of shops.
13. As such, I find the overall visual impact of the proposed hub on the character and appearance of the area would be similar to that of the existing kiosk, the removal of which could be secured by a planning condition.
14. In view of the above, I conclude that the proposal would not harm the character and appearance of the area. I therefore find no conflict with Policies DM1, EN1 and SP1 of Manchester's Local Development Framework Core Strategy Development Plan Document (adopted 2012 and amended 2024) (CS), saved Policy E3.3 of the Unitary Development Plan for the City of Manchester (1995) (UDP) and Policy JP-P1 of the Places for Everyone Joint Development Plan (2024), where they together seek to ensure, amongst other things, that development is appropriate, respects and acknowledges the character and identity of the locality in terms of design, siting, size, scale and materials used; upgrades the appearance of major radial and orbital roads; and incorporates high quality in the design and finish of the public realm. The proposal would also accord with the relevant provisions of the National Planning Policy Framework (Framework), which have similar aims.
15. I have also had regard to the principles to produce high quality and inclusive design set out within the Guide to Development in Manchester Supplementary Planning Document and Planning Guidance (2007) (SPD). Given that I have concluded that the proposal would not harm the character and appearance of the area for the reasons detailed above, I therefore conclude the proposal would not conflict with this guidance.

Highway and pedestrian safety

16. As detailed above, the appeal site is situated near to the corner of a busy traffic-light controlled junction where Kingsway, Lane End Road and Fog Lane meet. The Council, and Highway Service, assert that the proposed hub would impede visibility and sightlines between pedestrians, cyclists and vehicles at this junction.
17. To the west of the proposed hub's location is a pedestrian crossing point at the traffic lights which control approaching traffic from Lane End Road. However, I observed that this crossing point was not controlled by pedestrian signal lights. As such, pedestrians crossing at this point need to make their own judgement as to when it is safe to do so.
18. The proposed hub would be positioned to the east of the highway junction and uncontrolled crossing point. As such, when joining Lane End Road from the junction road users will have passed through the lights and pedestrian crossing point before reaching the hub. Consequently, the proposed hub would not impede or block any sightlines between road users and pedestrians from that direction.

19. In terms of vehicles approaching this junction from Lane End Road, including those turning right onto Kingsway, the hub would be positioned before the traffic light junction and crossing point. Nevertheless, as a result of its siting on the opposite side of the road, as well as the distance between the proposed hub and both the junction and the crossing point, I find that the hub would not unacceptably impede or block sightlines between road users and pedestrians at this junction or crossing.
20. Furthermore, I note that the existing telephone kiosk to be removed has a solid appearance due to advertisement sticker panels. This kiosk is positioned noticeably closer to the pedestrian crossing point than the proposed hub. As such, and based on my observations on site, I find that this existing kiosk has a similar, if not greater, impact upon the sightlines and visibility between pedestrians at this crossing and vehicles approaching from Lane End Road, as the proposed hub would. I have been provided with no evidence to demonstrate otherwise.
21. Consequently, based on the information before me and my observations on site, I find that the proposed hub would not have a greater harmful impact upon highway and pedestrian safety at this junction and crossing point than the existing kiosk to be removed.
22. The Council's Highway Service has also commented that based on observations it appears that the totem is to be positioned on an unadopted section of footway along Lane End Road. However, no substantive evidence has been provided in support of this claim, and I observed on site that the hub would be positioned adjacent to existing items of street and highway furniture, including a road sign, lamp post and bollard.
23. A concern has also been raised in respect of the hub encroaching into the forecourt areas of the adjacent shops. However, again no substantive evidence has been provided in support of this assertion, and the submitted plan shows approx. 2.5m between the proposed hub and the point at which the pavement surface changes in front of these shops.
24. The Council, nor its Highway Service, has not provided any alternative distances of the useable areas around the proposed hub that would lead me to believe that the submitted plans are inaccurate or incorrect.
25. As such, based on the information before me, I find that there would be sufficient space on this section of pavement to ensure unimpeded access would be provided for pedestrians of all mobility levels.
26. In reaching this view I note that the hub would be sited close to existing items of street furniture. However, I do not consider its proximity to these items would create an obstacle or impact upon pedestrian movement given the amount of space that would be available to the side of the hub.
27. In view of all the above, I conclude that the proposal would not be harmful to highway and pedestrian safety. I therefore find no conflict with CS Policies DM1, SP1 and T1, where they together seek to ensure, amongst other things, that development has regard to road and community safety, and seeks to improve pedestrian routes and the pedestrian environment. The proposal would also adhere to the principle of achieving ease of movement as detailed within the SPD and accord with the provisions of the Framework where it states that development should only be refused on highway grounds if there would be an unacceptable impact on highway safety.

Other Matters

28. I note the Council's reason for refusal in respect of the impact of the proposed hub on the character and appearance of the area refers to conflict with UDP Policy DC17.1. This policy states that applications for telecommunications developments will normally be approved if the Council can be satisfied that the development has been sited and designed to minimise its impact on residential amenity and in environmentally sensitive areas.
29. From my observations on site and the evidence that is before me, I find that the proposal would not result in any harm to the living conditions of nearby occupiers, and no evidence has been provided to demonstrate that the appeal site is within an environmentally sensitive area. As such I do not find UDP Policy DC17.1 to be determinative in respect of the main issues raised in this appeal.
30. Both parties have drawn my attention to a number of allowed and dismissed appeal decisions² for hubs and associated advertisements throughout the country. Whilst I have had due regard to these decisions, issues relating to the impact of a proposal upon the character and appearance of an area are matters of planning judgement based on the site-specific circumstances and surroundings.
31. In this regard, I have been provided with limited information in respect of these appeal decisions that would enable me to draw any direct comparisons with the appeal site and scheme before me. These decisions therefore carry limited weight in my determination of this appeal.

Conditions

32. The Council and the appellant have provided some suggested conditions for both appeals which I have considered against paragraph 57 of the Framework, and the advice contained in the Planning Practice Guidance. I have edited the suggested conditions to improve precision and enforceability where necessary.
33. In Appeal A, in addition to the statutory time condition (1), a condition listing the approved drawings (2) is needed to ensure clarity of what has been permitted. I have also imposed a condition which requires the development to be carried out in accordance with the details included within the submitted supporting documents (3). This condition is necessary in the interests of visual amenity and to ensure that the development operates as per the submitted details.
34. A condition requiring the removal of the existing BT telephone box to the west of the appeal site within three months of the commencement of development has been attached to ensure there would be no excess clutter on the street (4).
35. The Council suggested a condition be imposed that requires a verification report to be submitted to confirm compliance with the noise levels detailed within the submitted documents. However, provided that the requirements of condition (3) are adhered to a verification report is not necessary. This condition has therefore not been included.
36. The Council has also suggested a condition relating to the control of the advertisement displays on the proposed hub. However, this appeal relates to the hub alone and I cannot impose a condition relating to the display of advertisements.

² APP/Z5630/H/3209488; APP/N5090/Z/22/3296138; APP/N5090/D/22/3296141; APP/N5090/Z/22/3295689; APP/J2373/H/22/3305026; APP/J2373/W/22/3304941; APP/J2373/W/22/3305075; APP/J2373/H/22/3304942; & APP/Z3636/W/25/3361981

Conclusion

37. For the reasons given above, and taking into account all matters raised, the appeal is allowed.

R Major

INSPECTOR