



Appeal Decision

Site visits made on 6 and 7 December 2018

by J D Westbrook BSc(Econ), MSC, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th December 2018

Appeal A Ref: APP/X5210/W/18/3202885

Pavement outside Crowndale Centre, 218 Eversholt Road, London, NW1 1BD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Tom Fisher on behalf of Euro Payphone Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/5424/P, dated 28 September 2017, was refused by notice dated 22 November 2017.
 - The development proposed is the siting of a public telephone kiosk.
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Appeal B Ref: APP/X5210/W/17/3202779

Pavement outside 1A Camden High Street, London, NW1 7JE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Tom Fisher on behalf of Euro Payphone Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/5423/P, dated 28 September 2017, was refused by notice dated 22 November 2017.
 - The development proposed is the siting of a public telephone kiosk.
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Appeal C Ref: APP/X5210/W/17/3202769

Pavement outside of Camden Town Underground Station, Camden High Street, London, NW1 8NH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Tom Fisher on behalf of Euro Payphone Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/5421/P, dated 28 September 2017, was refused by notice dated 22 November 2017.
 - The development proposed is the siting of a public telephone kiosk.
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Appeal D Ref: APP/X5210/W/17/3202763

Pavement outside of 197-199 Camden High Street, London, NW1 7BT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Tom Fisher on behalf of Euro Payphone Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/5420/P, dated 28 September 2017, was refused by notice dated 22 November 2017.
 - The development proposed is the siting of a public telephone kiosk.
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Appeal E Ref: APP/X5210/W/17/3202896

Pavement outside of 186-188 Camden High Street, London, NW1 8QP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Tom Fisher on behalf of Euro Payphone Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/5418/P, dated 28 September 2017, was refused by notice dated 21 November 2017.
 - The development proposed is the siting of a public telephone kiosk.
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Appeal F Ref: APP/X5210/W/17/3202786

Pavement outside of 27 Chalk Farm Road, London, NW1 8AG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Tom Fisher on behalf of Euro Payphone Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/5427/P, dated 28 September 2017, was refused by notice dated 22 November 2017.
 - The development proposed is the siting of a public telephone kiosk.
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Appeal G Ref: APP/X5210/W/17/3202782

Pavement outside of 31 Chalk Farm Road, London NW1 8AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Tom Fisher on behalf of Euro Payphone Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/5425/P, dated 28 September 2017, was refused by notice dated 22 November 2017.
 - The development proposed is the siting of a public telephone kiosk.
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Appeal H Ref: APP/X5210/W/17/3202879

Pavement outside of 249 Kentish Town Road, London, NW5 2JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Tom Fisher on behalf of Euro Payphone Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/5422/P, dated 28 September 2017, was refused by notice dated 22 November 2017.
 - The development proposed is the siting of a public telephone kiosk.
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Appeal I Ref: APP/X5210/W/17/3203047
Pavement outside of 272 West End Lane, London, NW6 1LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Tom Fisher on behalf of Euro Payphone Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/5432/P, dated 28 September 2017, was refused by notice dated 22 November 2017.
 - The development proposed is the siting of a public telephone kiosk.
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Appeal J Ref: APP/X5210/W/17/3202794
Pavement outside of 319 West End Lane, London, NW6 1RN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Tom Fisher on behalf of Euro Payphone Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/5431/P, dated 28 September 2017, was refused by notice dated 22 November 2017.
 - The development proposed is the siting of a public telephone kiosk.
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Appeal K Ref: APP/X5210/W/17/3202789
Pavement opposite 152 West End Lane, (corner of Iverson Road), London, NW6 2LJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Tom Fisher on behalf of Euro Payphone Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/5430/P, dated 28 September 2017, was refused by notice dated 22 November 2017.
 - The development proposed is the siting of a public telephone kiosk.
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Appeal L Ref: APP/X5210/W/17/3202889
Pavement outside Unit 1, Hardy Building, West End Lane, London, NW6 1BR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr Tom Fisher on behalf of Euro Payphone Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2017/5429/P, dated 28 September 2017, was refused by notice dated 22 November 2017.
 - The development proposed is the siting of a public telephone kiosk.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

3. The appeal is dismissed.

Appeal C

4. The appeal is dismissed.

Appeal D

5. The appeal is dismissed.

Appeal E

6. The appeal is dismissed.

Appeal F

7. The appeal is allowed and approval is granted under the provisions of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), in respect of development by a telecommunications code system operator for the siting and appearance of a public telephone kiosk on the pavement outside of 27 Chalk Farm Road, London, NW1 8AG in accordance with the terms of the application Ref: 2017/5427/P, dated 28 September 2017, and the plans submitted with it, subject to the telephone within the kiosk, as illustrated on drawing 001/02, being positioned at a height of between 0.75 metres and 1 metre above ground level, in the interests of ensuring maximum accessibility for disabled persons.

Appeal G

8. The appeal is dismissed.

Appeal H

9. The appeal is dismissed.

Appeal I

10. The appeal is dismissed.

Appeal J

11. The appeal is dismissed.

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Appeal K

12. The appeal is allowed and approval is granted under the provisions of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development)(England) Order 2015 (as amended), in respect of development by a telecommunications code system operator for the siting and appearance of a public telephone kiosk on the pavement opposite 152 West End Lane, (corner of Iverson Road), London, NW6 2LJ in accordance with the terms of the application Ref 2017/5430/P, dated 28 September 2017, and the plans submitted with it, subject to the telephone within the kiosk, as illustrated on drawing 001/02, being positioned at a height of between 0.75 metres and 1 metre above ground level, in the interests of ensuring maximum accessibility for disabled persons.

Appeal L

13. The appeal is dismissed.

Procedural Matters

10. As an electronic communications code operator, the appellants benefit from deemed planning permission for a proposed payphone kiosk (also known as a public call box) under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), subject to prior approval by the local planning authority of siting and appearance. The appellant applied to the Council on that basis. The Council determined that prior approval was required and refused for the siting and appearance of the payphone kiosk subject to each of Appeals A-L.
15. The Council has made reference to a number of development plan policies in its decision notices, including Policies D1 and D2 of the Council's Local Plan (LP), which relate to a range of design and heritage issues; Policies C5 and C6 of the LP, which relate to safety, security and access; and Policy T1, which relates to prioritising walking, cycling and public transport. However, the principle of development is established by the GPDO and a prior approval relating to paragraph A.3 of Schedule 2, Part 16, Class A of the GPDO includes no requirement that regard be had to the development plan. 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. Consequently, these appeals are not determined on the basis of Section 38(6) of the Planning and Compulsory Purchase Act 2004.
16. The National Planning Policy Framework 2018 (the Framework) deals with supporting high quality communications infrastructure, including applications for prior approval, and requires that local planning authorities must determine applications on planning grounds. As the principle of development is established, considerations such as need for a payphone kiosk are not a relevant matter. However, Appeals A - E are located within the Camden Town Conservation Area (CTCA), and Appeals I and J are located within the West End

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Green Conservation Area (WEGCA). 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. Section 66 of the same Act requires special regard to be paid to the desirability of preserving listed buildings and their settings. The Government's approach in the Framework states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation and that significance can be harmed or lost through development within their setting.

17. The Council and other consultees have raised issues relating to the accessibility of the kiosks to wheelchair users by virtue of the height of the telephones above ground level, as indicated on the submitted plans. The appellants have noted that the height of the telephones could be lowered to deal with this situation, and I accept that this minor detail could be dealt with, if necessary, by way of a suitable condition.
18. The Council and other consultees have also noted that the site plans, as submitted with the application, do not make clear exactly where the proposed kiosks will be sited. In some cases, the precise siting is important to assessing the appearance of the kiosk in its setting and also determining the effect on pedestrian movement etc. In other cases the information provided on the site plan would appear to be sufficient to give the proposal due consideration. Where the necessary information appears to be lacking or inadequate, I have made note of this in my considerations.

Main Issues

19. The Council's reasons for refusal are almost identical in terms of the proposal subject to each appeal. I therefore consider that the main issue for each of the Appeals A - L is whether or not approval should be given in respect of the siting and appearance of the development, with particular regard, as appropriate, to whether it would preserve or enhance the character or appearance of the relevant Conservation Area; its effect on Listed Buildings; and to include, where relevant, the effect upon highway and pedestrian safety.

Reasons

Background

20. The appeals relate to twelve freestanding payphone kiosks, seven of which would be located within a Conservation Area (CA). The freestanding payphone kiosks consist of the same design, a broadly rectangular structure of approximately 1.3m depth by 1.1m width and an approximate height of 2.4m. The main structure would be three sided, with asymmetrical panels of reinforced laminated glass in a powder coated metal frame. The design of the kiosk would allow accessibility for people with limited mobility, including wheelchair users, and would be solar powered by way of PV units on the roof.

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21. As previously mentioned, each of the kiosks subject to Appeals A-E would be sited within the CTCA, an urban setting around the commercial centre that is Camden High Street and the surrounding residential streets. The commercial area contains a mix of Victorian and Edwardian Buildings, some of which are listed. Others are not listed but still have a positive impact on the character and appearance of the area. There are a number of important vistas and views into and out of the area, with some key buildings framing those vistas and views. Appeals I and J both lie within the WEGCA. The significance of the CA lies in the retention of its "village" character with a busy commercial 'spine' street, a "Village Green", street trees and landmark buildings, including a listed fire station and a listed historic public convenience.
22. The appellants make note in the appeal statements of examples of appeal decisions and court cases relating to the siting of telephone kiosks. I note these examples and the general principles raised, but I have very little information as to the detailed siting of these proposals and, in any case, I have dealt with each of the current proposals on its individual merits with regard to its specific location.

Appeal A

23. The proposed kiosk would be sited on a pavement on the eastern side of Eversholt Road. It would be sited outside the Crowndale Centre, a three-storey building, constructed from red-brick and stone detailing, close to the junction of Eversholt Road and Crowndale Road. The Crowndale Centre is marked on the CTCA appraisal plan as a positive, focal building with regard to the character of the area. Eversholt Road is a busy main road, with shops on the western side, opposite to the appeal site. The shops are on the ground floor of a long four-storey terrace with a unified red-brick façade above.
24. The kiosk would be sited opposite to No 271 Eversholt Road and outside a secondary entrance to the Crowndale Centre, marked as No 220. Immediately to the north of this secondary entrance there are ornamental black railings on a stone base. Such railings are noted in the CTCA appraisal, along with other fixtures in the streetscape, as important parts of the public realm which form the setting of the built fabric.
25. To the south of the entrance at No 220, at close intervals along the façade of the Crowndale Centre, there are further raised platforms at the base of wide stone "pillars" between the main windows and doors of the building. As a result of the railings and platforms the effective width of the pavement is reduced by around 1 metre along its length, although the proposed kiosk would appear to be sited where there a slightly wider pavement width outside of the door to No 220.
26. Other than a street lamp, street furniture along this section of pavement is represented by only a litter bin, cycle parking stands and a post box, all low features. The kiosk would not, therefore, of itself, result in a cluttered appearance at this point, but, it would be an intrusive feature in the otherwise

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clear views north towards Camden High Street, particularly by view of its scale. In addition, because of its modern design, and also due to its location so close to the ornamental railings and the red-brick and stone façade of the Crowndale Centre, it would appear incongruous within its context, detrimental to the setting of the Crowndale Centre along this part of Eversholt Road.

27. The appellants contend that the pedestrian footway is wide enough to accommodate high levels of pedestrian traffic. However, as noted above, in view of the intrusion of the railings and platforms into the pavement at regular intervals, it would have some impact on pedestrian flows along this busy pedestrian route, especially at night when patrons are dispersing from late night uses in the vicinity.
28. I accept that the harm to the character and appearance of the CA would be localised and would, therefore, be less than substantial to the significance of the CA as a whole. The appellant contends that, in contrast to the traditional style kiosks, the design of the proposed kiosk has been modernized to exhibit an open side which renders activities completely visible to passers-by, so deterring anti-social behaviour whilst also rendering the kiosk accessible to wheelchair users. However, the public benefits arising from the proposal, in terms of improved accessibility and security when compared to existing kiosks, do not, in this instance, outweigh the harm to the CA as identified above.
29. In conclusion, the proposed kiosk would appear as an incongruous element in the street scene at this point. It would also be harmful to the setting of the Crowndale Centre, which is a focal and positive building in the context of the character and appearance of the CA. I find, therefore, that its siting and appearance would be harmful to the CA and would also result in some detriment to the free flow of pedestrians along this busy section of road. Accordingly, I dismiss the appeal.

Appeal B

30. The proposed kiosk would be sited within a wide pedestrianized area to the north of the complex road junction that includes Camden High Street, Crowndale Road, Eversholt Road and Hampstead Road. The precise location is not clear from the submitted plans, but it would clearly be outside of the "Koko" building, otherwise referred to as No 1A Camden High Street, and a short distance away from its entrances. "Koko" is a listed building currently in use as an entertainment venue, and it is noted as a focal building with a lively frontage in the CTCA Appraisal document. The Kiosk would also be sited in relatively close proximity to the listed Cobden Statue, which is located at the western edge of the pedestrianized area, and the listed Mornington Crescent tube station which is located on the opposite side of Crowndale Road.
31. The pedestrianized area is generally free of street furniture except for low seats, small litter bins and a slimline information display board. There are a number of small trees within this area also. Whilst the area is large, it clearly experiences very heavy pedestrian footfall from Camden High Street to a

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- pedestrian crossing leading to Mornington Crescent Tube station, and another pedestrian crossing close to the Koko building leading to Eversholt Road. It also appears to as serve as a meeting and queuing area to the front of the Koko building. Its openness and uncluttered appearance is a key feature of the area.
32. By virtue of its height, scale and design, the proposed kiosk would appear incongruous in its setting within the largely open and uncluttered pedestrian space recently created at the southern end of Camden High Street. Moreover, whilst there are more modern buildings in the vicinity, it would relate most closely to the listed Koko building and would be sited close to its entrances. It would not be sympathetic to the generally "classical" features of that building, harmful to its character and appearance. To a lesser extent it would also be seen in the context of the Cobden Statue and the Mornington Crescent tube station, and would appear out of character with these. Therefore, whilst it would not of itself result in "clutter", it would be generally harmful to the visual amenities of the area, including the setting of the nearby listed buildings.
33. I accept that the resultant harm to the character and appearance of the CA would be localised and would, therefore, be less than substantial to the significance of the CA as a whole. The appellant contends that, in contrast to the traditional style kiosks, the design of the proposed kiosk has been modernized to exhibit an open side which renders activities completely visible to passers-by, so deterring anti-social behaviour whilst also rendering the kiosk accessible to wheelchair users. However, the public benefits arising from the proposal, in terms of improved accessibility and security when compared to existing kiosks, do not, in this instance, outweigh the harm to the CA as identified above.
34. Given the extremely busy nature of the pedestrian area at the southern end of Camden High Street, the proximity of the proposed kiosk to the entrances of the Koko building, and the likely impact of the kiosk on footfall near a busy pedestrian crossing, I consider that it would be harmful to pedestrian safety in what is otherwise a relatively open, uncluttered area. This would especially be the case when the Koko building would be closing and patrons leaving, as it would impact detrimentally on the activity generated at these times.
35. In conclusion, I find that the proposed kiosk would be detrimental to pedestrian flows along this part of Camden High Street. Moreover, its siting would be harmful to the character and appearance of the CA and the setting of nearby Listed Buildings. I therefore dismiss this appeal.

Appeal C

36. The proposed kiosk would be sited on the pavement directly outside of the entrance to Camden Town tube station. At this point, Camden High Street is one-way with vehicles travelling from south to north. It has a relatively narrow carriageway and has red-way markings from the Britannia Junction to a point close to the tube station entrance.

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37. On the opposite of the road are shops with modern frontages. To the south of the tube station is a stone-built, triangular bank building with a curved front facing the Britannia junction. This is noted as a focal, positive building in the CA Appraisal document, as is the tube station itself.
38. There is a large road sign adjacent to the proposed site of the kiosk, but otherwise the pavement is relatively free of street furniture in the immediate vicinity. On this basis, the proposed kiosk, in itself, would not result in excessive visual clutter in this location. However, the design of the proposed kiosk would be unsympathetic to the character and appearance of the tube station, the façade of which comprises primarily red glazed tiles with glazed arches above the entrance. It would also appear out of character with the bank building immediately to the south. It is against the backdrop of these two buildings that the kiosk would be mainly viewed.
39. The pavement outside of the tube station is wide, but it is also very heavily used. In addition to large numbers of tube passengers using the station entrance, there is significant footfall past the site from Camden Market and other commercial uses in the north to destinations around the Britannia junction in the south. At the time of my visit it was clear that many people also cross Camden High Street immediately outside of the tube station entrance. In view of these heavy pedestrian flows resulting from general footfall, access to the tube station, and commercial activity along and around Camden High Street, I consider that the kiosk would be detrimental to pedestrian safety at this point.
40. In conclusion, I find that the kiosk would conflict visually with the focal and positive buildings in the vicinity. It would also represent a potential hazard to pedestrians using this very busy space outside of the tube station. Its siting and appearance would, on this basis, be harmful to the CA. As with the earlier appeals, I acknowledge that there would be some public benefits associated with the greater accessibility and security afforded by a kiosk such as that proposed, when compared with more traditional kiosks. However, the public benefits in this instance do not outweigh the harm to the CA as identified above, and I therefore dismiss this appeal.

Appeal D

41. The proposed kiosk would be sited on the pavement outside of Nos 197 and 199 Camden High Street, opposite the entrance to Camden Town tube station. The street frontage on this side of the road comprises shops with modern fronts. The pavement is relatively free of clutter with just street lights and litter bins in the vicinity. The proposed kiosk, in itself, would not, therefore, result in excessive clutter. Moreover, since the kiosk would be of simple modern design and seen primarily in conjunction with a backdrop of modern shop fronts, I do not consider that in this case it would be harmful to the character or appearance of the CTCA.

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42. However, pedestrian flows are very heavy along Camden High Street. In addition loading and unloading facilities for the shops would appear to be restricted to a limited number of on-street loading bays which share space with pedestrians. The nearest loading bay to the site of the proposed kiosk is a little way further north along the road, which means that goods and equipment destined for the shops in the vicinity of the appeal site must be taken along the pavement. Such movements must be added to the already heavy pedestrian flows between the Camden Markets to the north and Britannia junction to the south, as well as to pedestrian flows crossing the road at this point to and from the tube station. The presence of the proposed kiosk would result in a potential blockage to these flows of goods and people.
43. In conclusion, I find that the kiosk would not be harmful to the character or appearance of the CA in this location. However, I find that the siting of the kiosk would result in harm to pedestrian safety and convenience along this section of Camden High Street, due to heavy pedestrian flows and the additional conflict with these flows that would be created by the movement of goods and equipment along the pavement. I therefore dismiss this appeal.

Appeal E

44. The proposed kiosk would be sited on the pavement outside of Nos 186 and 188 Camden High Street. These are noted as positive buildings on the CTCA Appraisal. The site is opposite the entrance to Inverness Street Market and a few metres south of Camden Market buildings. Nos 186 and 188 are shop units which have merchandise extending outside the buildings onto the pavement. There is a loading bay, within a shared pedestrian space, serving the shops in the vicinity a little south of Nos 186 and 188 and the appeal site.
45. This part of Camden High Street has very heavy pedestrian usage, with significant activity around Camden Market, and pedestrians crossing the road to and from Inverness Street Market in the immediate vicinity of the appeal site. At this point, the effective width of the pavement is restricted by virtue of shoppers viewing goods displayed for sale outside of Nos 186 and 188. In addition, there is the potential for conflict between pedestrians, shoppers and movement of goods and equipment from the nearby loading bay. On this basis, I consider that the proposed siting of the kiosk would be detrimental to pedestrian safety along this section of Camden High Street.
46. With regard to the effect of the proposed kiosk on the character and appearance of the CA, it would be sited on a section of the pavement where there is other street furniture, including small waste bins, a BTlink telephone panel, and a street light, along with small trees. These are currently well spaced, and the addition of a further telephone kiosk would result in a somewhat cluttered appearance
47. The harm arising from the proposal would detrimentally affect the character and appearance of the CA, albeit to a limited extent. As the harm would be relatively localised, it would be less than substantial to the significance of the

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CA as a whole. As previously noted, there would be some public benefits arising from the proposal in terms of improved accessibility and security, when compared to existing kiosks. However, the public benefits in that respect do not outweigh the harm identified to the CA that would result from the somewhat cluttered appearance that would result from the siting of the kiosk.

48. In conclusion, I find that the kiosk would fail to preserve the character and appearance of the CA. It would cause less than substantial harm to the significance of the CA, but the harmful siting of the proposal, when taken together with the resultant likely harmful impact on pedestrian flows, justifies dismissal of the appeal.

Appeal F

49. The proposed kiosk would be sited on the pavement area outside No 27 Chalk Farm Road and opposite the entrance to Camden (Stables) Market. It would be positioned between two small trees towards the front of the pavement. There is a bicycle stand to the north of one tree and a bus shelter (apparently disused) a few metres to the south. Chalk Farm Road is a busy road and bus route. The Market lies within the Regents Canal Conservation Area (RCCA), the boundary of which is on the opposite side of the road from the appeal site. There are listed buildings also on the opposite side of the road, but in this case, I do not consider that the proposed kiosk would form part of, or have any impact on, their setting, being across a busy main road and partly screened by trees. For similar reasons, I do not consider that the kiosk would have any harmful impact on the character or appearance of the RCCA.
50. Whilst the road is busy in terms of traffic usage, it would not appear to be particularly heavily used by pedestrians – most of the pedestrian activity being concentrated on the opposite side of the road near the market entrance. There is very little in the way of street furniture in the immediate vicinity of the proposed kiosk, and it would appear to be sited between the two pavement trees. In this position, it would not affect the likely pedestrian desire lines along this part of the road, which appear to be more heavily influenced by the position of the bus shelter and the crossing point for pedestrians at the junction of Chalk Farm Road and Hartland Road, both of which effectively direct pedestrians away from the kerb into the middle of the pavement.
51. In the light of the above, I conclude that the siting and appearance of the proposed kiosk could not be said to harm the character or appearance of the nearby CA, or to the setting of the listed buildings on the opposite side of the road. Moreover, on the basis of the information available to me, it appears that the kiosk would not be likely to result in any harm to the free and safe movement of pedestrians along this section of pavement. Accordingly, I allow the appeal, subject to the telephone within the kiosk being positioned at a height of between 0.75 metres and 1 metre above ground level, in the interests of ensuring maximum accessibility for disabled persons. I have referred to this condition in the section on decisions above.

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Appeal G

52. The proposed kiosk would be sited on the pavement outside of No 31 Chalk Farm Road. From the information before me it would appear that the kiosk would be sited between the kerbside and a mature tree located towards the middle of the pavement. There are two mature trees located within this section of pavement and trees form an important element of the Streetscape along this part of Chalk Farm Road and further north. There are cycle stands within a few metres of the proposed site and a nearby restaurant has tables and chairs on the pavement to the rear of the cycle stands.
53. Chalk Farm Road is a busy road and bus route, and there is a parking "layby" immediately to the south of the proposed kiosk site. The Camden (Stables) Market is opposite to the site and lies within the Regents Canal Conservation Area (RCCA), the boundary of which is on the opposite side of the road from the appeal site. There are listed buildings also on the opposite side of the road within the market area, but in this case, I do not consider that the proposed kiosk would form part of, or have any impact on, their setting, being across a busy main road. For similar reasons, I do not consider that the kiosk would have any harmful impact on the character or appearance of the RCCA.
54. I have concerns with regard to the proposed siting of the kiosk in relation to the cycle stands and outside seating area in close proximity. I also have significant concerns regarding the proximity of the proposed kiosk site to the mature tree. It would appear that the kiosk would be sited beneath the crown of the tree and could result in physical damage to the tree. In addition, in terms of accessibility, I consider that the nearby cycle racks and tree could adversely affect the ability of disabled persons to conveniently get to and use the kiosk. Finally, the position of the tree towards the middle of the pavement means that pedestrian flows could be diverted around both sides to a certain degree, particularly given the restriction on effective pavement width caused by the intrusion of cycle stands and restaurant seating very close to the tree. The kiosk would interfere with such flows.
55. In conclusion, I find that the kiosk would not be harmful to the character or appearance of the CA on the opposite side of Chalk Farm Road, or with the setting of nearby listed buildings. However, from the information before me there is a strong possibility of harm to the safety of pedestrians by virtue of its proximity to the cycle stands, outside restaurant seating, a car parking layby, and especially the mature tree. Accordingly, I dismiss the appeal.

Appeal H

56. The proposed kiosk would be sited on the pavement outside of No 249 Kentish Town Road. Kentish Town Road is a busy commercial street and bus route. There is a car parking area marked out on the road adjacent to the proposed site of the kiosk. At the time of my visit it appeared also to be used for loading and unloading purposes. There are modern shop fronts lining both sides of the road and there is a pedestrian crossing a short distance area to the north.

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57. The site is not within a conservation area and there are no Listed Buildings in the vicinity of the site. The kiosk would therefore be seen in conjunction with modern shop fronts only and, from this perspective, it would not be harmful to the character or appearance of this section of Kentish Town Road.
58. However, from my site visit, it would appear that there is already a significant grouping of street furniture in close proximity to the appeal site to the north, including an InLinkUK/BT media communications structure, litter bins, cycle stands, a street light and pedestrian crossing lights. There is no significant street furniture to the south of the site, and I consider that the proposed kiosk would merely extend an already somewhat cluttered section of pavement, to the detriment of the visual amenities of the area.
59. The pavement immediately to the south of the proposed kiosk site reduces in width, since No 247 and the shops to the south project around 1 metre further forward than the frontage of No 249. This marks something of a pinch point, and the proposed kiosk would be sited very close to this point. On this basis, I find that the kiosk would be likely to cause harm to the free and convenient flow of pedestrians along this section of the pavement. In addition, the proximity of the kiosk to the parking bay could potentially lead to conflicts with the users of cars and vans in that bay, including those loading and unloading vehicles in association with the shopping activities along the road.
60. In conclusion, I find that the kiosk would be harmful to the general visual amenities of the area by way of adding a degree of clutter to a location already somewhat crowded by existing street furniture. In addition it would be located very close to a pinch point on the pavement and a busy parking bay on the road, to the detriment of pedestrian and vehicular safety. Accordingly, I dismiss the appeal.

Appeal I

61. The proposed kiosk would be sited on the pavement outside of No 272 West End Lane and close to the southern end of "The Green" which is a focal space at the northern end of the West End Green Conservation Area (WEGCA). West End Lane splits around the southern end of the Green, with the main "arm" continuing northwards past the western side of the Green to become Forest Green Road. A secondary "arm" is one-way only in a southerly direction past the eastern part of The Green. West End Lane itself takes a near right angle turn at The Green and effectively splits the Green into two separate sections.
62. The CA Appraisal indicates that the mature trees and grass of The Green provide a green oasis, while separated on their own "island" are the listed public toilets. This "island" space is simple and some variety of planting and enhancement would benefit it. The appraisal also notes that there is scope for public realm improvement, e.g. improved materials, removal of clutter etc. In addition to the listed public toilets on the southern half of The Green, the listed Fire Station is situated on the opposite side of West End Lane.

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63. The proposed kiosk would be sited on the eastern side of the secondary “arm” of West End Lane, opposite the listed public toilets. The pavement here is wide and relatively open. There are mature trees in the middle of this pavement area, but to the north of the trees, there is little in the way of street furniture barring a slimline information display board and a small equipment cabinet. The proposed kiosk would be sited between the display board and the cabinet and, by virtue of its scale, would be an intrusive feature in the otherwise open pavement area.
64. I do not consider that the kiosk would be readily seen in conjunction with the listed buildings. The listed public toilets would be largely hidden from view by planting on the eastern side of the sunken building, while the Fire Station would be some distance away over a busy road, partly screened by trees. In this case, therefore, the proposed kiosk would not be harmful to the setting of the listed buildings. However, it would fail to result in public realm improvement in this part of the CA and would introduce an alien feature of modern design and materials into the street scene, as opposed to improving materials and reducing clutter. It would therefore be harmful to the character and appearance of this part of the WEGCA.
65. As previously noted, there would be some public benefits arising from the proposal in terms of improved accessibility and security, when compared to existing kiosks. However, the public benefits in that respect do not outweigh the harm identified to the CA that would result from the siting of the kiosk in this otherwise open and uncluttered area.
66. I acknowledge that the proposed kiosk would appear to be sited in line with the existing display board and cabinet. On this basis, and given the significant width of the pavement at this point, I do not consider that it would be significantly harmful to the free passage of pedestrians at this point.
67. In conclusion, I find that the kiosk would be detrimental to the character and appearance of the CA. It would appear unlikely that the kiosk would be harmful to pedestrian safety, but this lack of harm would not outweigh the harm to the CA. Accordingly, I dismiss the appeal.

Appeal J

68. The proposed kiosk would be sited on the pavement outside of No 319 West End Lane and close to the southern end of “The Green” which is a focal space at the northern end of the West End Green Conservation Area (WEGCA). West End Lane splits around the southern end of the Green, with the main “arm” continuing northwards past the western side of the Green to become Forest Green Road. The proposed kiosk would be sited on the pavement on the western side of West End Lane, opposite to the southern end of The Green.
69. The CA Appraisal indicates that the mature trees and grass of The Green provide a green oasis, while separated on their own “island” are listed public toilets. This “island” space is simple and some variety of planting

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and enhancement would benefit it. The appraisal also notes that there is scope for public realm improvement in the CA, e.g. improved materials, removal of clutter etc. In addition to the listed public toilets on the southern half of The Green, the listed Fire Station is situated on the opposite side of West End Lane, close to the site of the proposed kiosk, although set back some distance from the road edge. The exit crossover from the fire station onto West End Lane is located in very close proximity to the proposed kiosk site.

70. The proposed site would be towards the front of the pavement. The front of the pavement at this point is relatively clear of street furniture with just a small litter bin together with a street sign and light. To the rear of the pavement, however, are equipment cabinets, a road grit container and a bench seat, which intrude onto the clear pavement area to a certain extent.
71. In the light of the relatively wide pavement at this point, I do not consider that the proposed kiosk would result in any significant harm to pedestrian safety. I do have some concerns, however, that the kiosk, despite its relatively lightweight and transparent appearance, could be detrimental to the sight lines of fire engines exiting the station, particularly in the case of emergencies.
72. The kiosk would, alongside the other street furniture in the immediate vicinity, result in a somewhat cluttered appearance to this part of the pavement. In addition, it would be seen in close conjunction with the façade of the listed fire station and, by virtue of its scale, modern materials and design, would appear somewhat prominent and incongruous. The kiosk would also, to a lesser extent, be seen in conjunction with the listed public toilet, although in this case, it would be across a busy road and the listed toilet is already somewhat surrounded by other toilet buildings and litter bins.
73. As previously noted, there would be some public benefits arising from the proposal in terms of improved accessibility and security, when compared to existing kiosks. However, the public benefits in that respect do not outweigh the harm identified to the CA, and to the setting of the listed building, that would result from the siting of the kiosk in this otherwise uncluttered area.
74. I conclude in this case that the proposed kiosk would be harmful to the setting of the listed Fire Station, and it would fail to result in public realm improvement in this part of the CA by way of introducing an alien feature of modern design and materials into the street scene, as opposed to improving materials and reducing clutter. It would therefore be harmful to the character and appearance of this part of the WEGCA. It would appear unlikely that the kiosk would be harmful to pedestrian safety, but there may be some detriment to vehicular safety caused by the proximity of the kiosk to the exit/crossover serving the fire station. Accordingly, I dismiss the appeal.

Appeal K

75. The proposed kiosk would be sited at the rear of the pavement on West End Lane, close to its junction with Iverson Road. The pavement here is very wide

and is relatively free of street furniture. There is a slimline display board in close proximity to the site of the proposed kiosk and there are equipment cabinets backing onto a 2.5 metre high fence that bounds the Thameslink railway cutting to the north. The pavement on the western side of West End Lane is very narrow as the road bridges the railway, and then widens out considerably at the end of the bridge. Pedestrian flows are heavy but the effect of the existence of the narrow pavement over the bridge appears to concentrate pedestrian flows to the front of the pavement, whereas the kiosk would be sited to the rear.

76. The area behind the pavement here comprises a tree-lined walkway from West End Lane to the West Hampstead Thameslink station. This walkway is situated to the rear of the pavement along Iverson Road and is relatively wide and open in the vicinity of the proposed kiosk. It contains a number of cycle stands near to the station itself, but the stands are some considerable distance away from the kiosk site and access would not be affected by it.
77. Pedestrian flows along this section of West End Lane focus on two pedestrian crossings to the south of the appeal site. One crossing takes pedestrians over Iverson Road and the other, which is close by, takes pedestrians across West End Lane itself. The Council contends that the kiosk would have the effect of reducing the 'clear footway' of the pavement to less than the minimum required threshold, which would reduce pedestrian comfort, resulting in overcrowding, and issues of highway safety through interfering with signals and visual obstructions. In this case, I disagree. The width of the pavement in the vicinity of the proposed kiosk site is around 7 metres, such that the kiosk, sited at the rear, would not significantly interfere with pedestrian desire lines and would leave significantly greater space than threshold required.
78. This section of West End Lane, and Iverson Road off it, is characterised by very modern buildings, and the simple modern design of the kiosk would not, in this case, adversely affect the prevailing character or appearance of the area.
79. In conclusion, I find that the proposed kiosk, by virtue of its modern simple design, would complement the modern frontages of nearby shops, and the designs of nearby buildings. It would not be harmful to the visual amenities of the area and it would not prejudice pedestrian safety. Accordingly, I allow the appeal, subject to the telephone within the kiosk being positioned at a height of between 0.75 metres and 1 metre above ground level, in the interests of ensuring maximum accessibility for disabled persons. I have referred to this condition in the section on decisions above..

Appeal L

80. The proposed kiosk would be sited on the pavement of West End Lane, outside of a small shopping precinct to the south of West Hampstead Overground station. There is an open, hard-landscaped pedestrian square behind the pavement and to the front of the shops, which enclose two sides of the square. The square has low concrete seats to the front and to the southern side, and

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trees to the rear of the pavement. There is a small clock tower of contemporary design to the south-eastern corner of the square. The pavement is clear of street furniture to the front of the square with the exception of a single street light.

81. The modern design of the kiosk would not appear out of character with its surroundings, since it would be seen in conjunction with the modern shopping centre and pedestrian square behind. However, the pavement here, along with the pedestrian square behind is devoid of any clutter and is characterised by its openness and unobstructed visibility. On this basis, I consider that the kiosk would be an intrusive feature in the streetscape, harmful to the character and appearance of the area around this part of West End Lane.
82. The kiosk would be sited on a pavement which is currently open and unobstructed. The kiosk would be sited within this pavement area at a point close to seating areas, which might be expected to attract large numbers of pedestrians and shoppers, not just to the seats but also to congregate in the general square, potentially spilling onto the pavement area around the seats. The presence of the kiosk in this position could result in blockages to pedestrian flows by narrowing the effective width of the pavement at a point where pedestrian footfall would be significant.
83. In conclusion, I find that the proposed kiosk would be harmful to the character and appearance of the general area, and that its siting would be harmful to pedestrian safety. Accordingly I dismiss the appeal.

J D Westbrook

INSPECTOR