



Appeal Decision

Site visit made on 16 October 2012

by Bern Hellier BA(Hons) MRTPI

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

Decision date: 24 October 2012

Appeal Ref: APP/X5210/A/12/2178982

Pavement outside 105 Tottenham Court Road, London, W1T 4TT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 (GPDO).
 - The appeal is made by Infocus Public Networks Ltd against the decision of the Council of the London Borough of Camden.
 - The application Ref 2012/1695/P, dated 13 March 2012, was refused by notice dated 1 May 2012.
 - The development proposed is the installation of a public payphone.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Part 24 of the Town and Country Planning (General Permitted Development) Order 1995 for the siting and appearance of a public payphone sited on the pavement outside 105 Tottenham Court Road, London, W1T 4TT in accordance with the terms of the application Ref 2012/1695/P, dated 13 March 2012, subject to the following condition.
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing labelled Solar Powered Telephone Kiosk (with wheelchair access); Site Plan; and Photograph showing proposed position of phone kiosk.

Main issues

2. As an electronic communications Code Operator the appellant benefits from deemed planning permission granted by Part 24 of the GPDO for the proposed payphone but subject to applying to the Council for prior approval of its siting and appearance. The Council has refused permission. The main issues are the effect of the siting and appearance of the payphone on, firstly the safety and convenience of pedestrians and, secondly, on the appearance of the street scene.

Reasons

3. The payphone would be a modest structure with a footprint of approximately 1.1 x 1.3 metres constructed with a black steel frame infilled with clear polycarbonate glass. It is open on one and a half sides to give good wheelchair access.
4. Tottenham Court Road at this point is a busy shopping street. The payphone would be sited close to the road on a stretch of 8.5 metres wide footway where

there are already four payphones, a post box and a line of street trees. The footway is heavily used by pedestrians and food and drink establishments have outdoor seating areas, although not immediately adjacent to the appeal site. The roadside is also used for servicing shops and for refuse collection. The introduction of the proposed payphone in this location would have no material effect on the free flow of pedestrians or servicing activities.

5. In relation to its visual impact the payphone is of a sound functional design which would be readily assimilated into the street setting as one of a number of items of street furniture. Whilst it would, by definition, increase the clutter of street furniture, the scale, width and openness of the street is such that the impact of the payphone either alone or in combination with existing structures would not be visually dominant or disruptive.
6. I note the concerns of both the local police crime prevention advisor and a local shop owner at the use of phone boxes for criminal and anti-social activity. However these concerns apply to all payphones. The GDPO and the National Planning Policy Framework establish that, in planning terms, payphones are, in principle, an acceptable form of development. Insofar as these concerns are relevant to the case before me then the location would be open to wide public surveillance.
7. I conclude that the siting and appearance of the proposed payphone would be satisfactory. It would not materially harm the safety and convenience of pedestrians or the appearance of the street scene, thereby complying with the requirements of the relevant development plan policies set out in the Core Strategy¹. I shall therefore allow the appeal.

Bern Hellier

INSPECTOR

¹ Camden Core Strategy 2010-2025. Published November 2010. Policy DP21 *Development connecting to the highway network* and Policy DP24 *Securing high quality design*