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Dear Sir/Madam,

**Town and Country Planning Act 1990 (as amended)**  
**Appeal by Maximus Networks Ltd**  
**Site at Pavement outside 166 High Holborn, London, WC1V 6TT**

I write in connection with the above appeal against the refusal of planning permission (Ref: 2018/5555/P) for the ***Installation of 1 x telephone kiosk on the pavement.***

The key issue the Council wishes the Inspector to consider in their determination of this appeal is the recent decision handed down by Mr Justice Ouseley that telephone kiosks with advertising panels do not enjoy permitted development under the Town and Country Planning (General Permitted Development) Order 2015, and so cannot be subject to the prior approval regime. (Case No: CO/3111/2018).

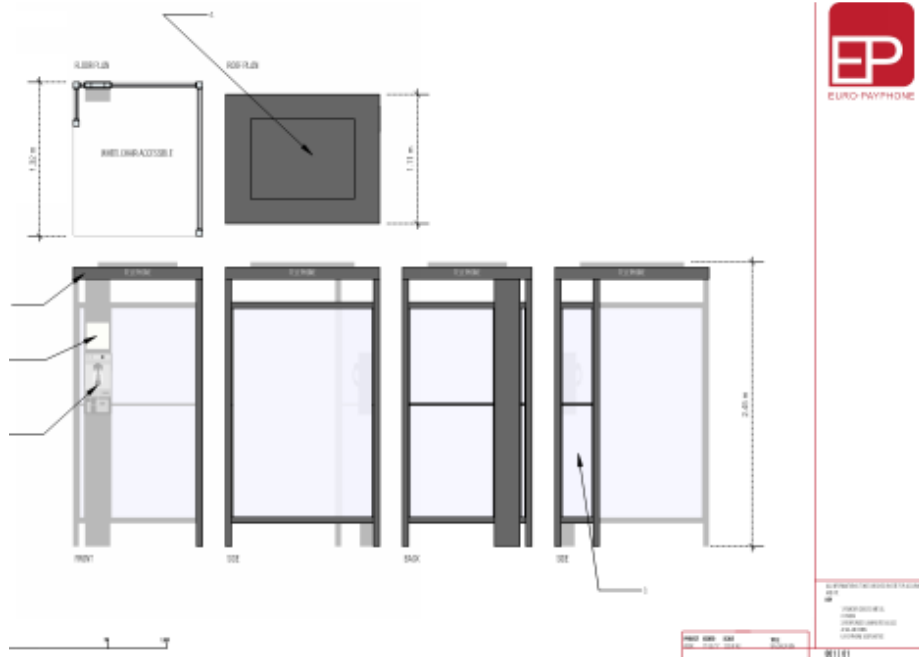
This decision means that where structures, panels and other equipment are sought to be erected for the purposes of advertising displays, then such development cannot “piggy back” on an application for prior approval for a telecommunications kiosk. Applications for such development, which as the judge stated, are effectively “hoardings” for advertisement display do not benefit from permitted development rights under Part 16, Class A. Any application for a kiosk must be solely for the purposes of a telecommunication operator’s network and not for some other purpose such as advertising displays.

The kiosk, which is the subject of this appeal comprises a large structure, which is the same size as a 6-sheet advertisement with a small phone handset on one side. There is no reason for the scale of the structure other than to enable the display of an advert. The proposed kiosk has a clear dual purpose, for both telecommunications and advertising. The application drawings show the prominence of the advert and the scale of the digital panel (shown below).



The following decisions were all dismissed on the grounds that the apparatus would be both for the purpose of the operator's telecommunications network and for the purpose of commercial display.

APP/X5990/W/17/3188331; APP/X5990/W/17/3190381; APP/X5990/W/17/3190389;  
 APP/X5990/W/17/3190402; APP/X5990/W/17/3231086; APP/X5990/W/17/3231068;  
 APP/X5990/W/17/3231078; APP/X5990/W/17/3231061; APP/X5990/W/17/3231083;  
 APP/X5990/W/17/3231058; APP/X5990/W/17/3231074; APP/X5990/W/17/3231075.



In their assessment of similar appeals in Westminster, the Planning Inspector noted (Appendix F) that:

*Following the Court's judgment in Westminster, the main issue is whether the proposals are solely for the purpose of the operator's electronic communications network.*

*8. The Westminster judgment found that a development "falls outside the scope of Class A Part 16 if it is not "for the purpose" of the operator's network. That means, at least in the specific context of a GPDO permission, that a proposed development falls outside it, if part of it falls outside it. It cannot be said that the whole falls within the GPDO- A development which is partly "for the purpose" of the operator's network, and partly for some other purpose, is not a development "for the purpose" of the operator's network, precisely because it is for something else as well. The single dual purpose development must be judged as a whole." (Paragraph 39).*

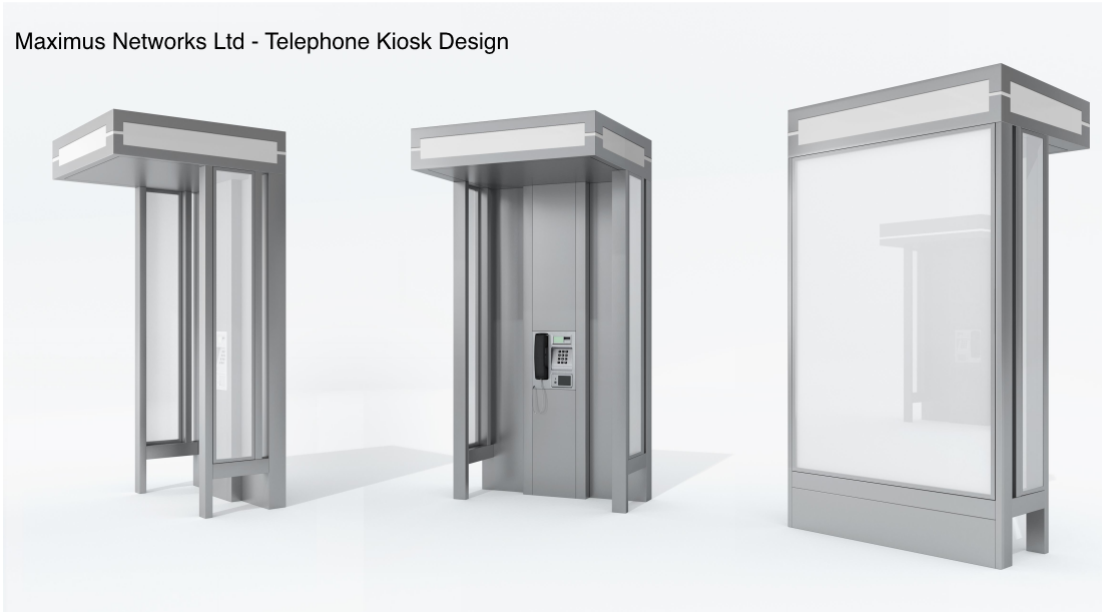
*9. In all cases, the proposed apparatus incorporates a sizeable freestanding rectangular unit which would be some 2600mm high and 1325mm wide with two clear polycarbonate sides some 550mm deep. The 'front' elevation contains a centrally located telephone handset and key pad, with a projecting canopy above. The 'rear' elevation of the unit features a large laminated 8mm toughened glass panel set within PPC steel frame.*

*However, it is clear from all the evidence before me that the rear face of the kiosks would incorporate areas expressly and specifically designed for the display of commercial advertisements.*

*13. Therefore, I conclude that the apparatus would be both for the purpose of the operator's telecommunications network and for the purpose of commercial display. Accordingly, the proposals are not solely for the purpose of the operator's electronic communications network and so fall outside Schedule 2, Part 16, Class A of the GPDO.*

In addition in line with the aforementioned judgement the following appeals at Westminster were dismissed:

APP/X5990/W/18/3211413, APP/X5990/W/18/3211415, APP/X5990/W/18/3211420, APP/X5990/W/18/3211427, APP/X5990/W/18/3211597, APP/X5990/W/18/3211600, APP/X5990/W/18/3211604, APP/X5990/W/18/3211606, APP/X5990/W/18/3211607, APP/X5990/W/18/3211616, APP/X5990/W/18/3211619, APP/X5990/W/18/3211625, APP/X5990/W/18/3211754



In the reasoning set out in the decision the Inspector stated the following:

***17. Accordingly, the appeal proposal is not solely for the purpose of the operator's electronic communications network and, as such, it falls outside Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.***

***18. In the light of that determination, it is unnecessary to consider the effect of the proposed development on the appearance and character of the surroundings (including the Conservation Area) and its effect on highway and pedestrian safety and convenience.***

The Inspector is respectfully requested to dismiss this appeal on the basis that the proposal which is subject of this appeal is not solely for the purpose of the operator's electronic communications network and, as such, it falls outside Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.

For the sake of completeness, the Council also sets out its full statement of case as follows:

## **1.0 Summary**

- 1.1 The appeal site comprises of an area of the footway adjacent to 166 High Holborn, on the northern side of the road. The site lies within the Central London Area and on the A40, which forms part of the Strategic Road Network (SRN). The site is not within a conservation area but is directly adjacent to the Bloomsbury Conservation Area and is in close proximity to Grade II listed Shaftesbury Theatre.

Prior Approval was refused on 20 December 2018 for the installation of 1 x telephone kiosk on the pavement. It was refused for the following reasons:-

1. *The proposed telephone kiosk, by reason of its location, size and detailed design, would add to visual clutter and detract from the character and appearance of the street scene, contrary to policy D1 (Design) of the London Borough of Camden Local Plan 2017.*
2. *The proposed telephone kiosk, by virtue of its location, size and detailed design, and adding unnecessary street clutter, would reduce the amount of useable, unobstructed footway, which would be detrimental to the quality of the public realm, cause harm to highway safety and hinder pedestrian movement and have a detrimental impact on the promotion of walking as an alternative to motorised transport, contrary to policies G1 (Delivery and location of growth), A1 (Managing the impact of development), C6 (Access for all) and T1 (Prioritising walking, cycling and public transport) of the London Borough of Camden Local Plan 2017.*
3. *The proposed telephone kiosk, by virtue of its inappropriate siting, size and design, would fail to reduce opportunities for crime and antisocial behaviour to the detriment of community safety and security, and compromise the safety of those using and servicing the telephone kiosk contrary to policy C5 (Safety and Security) of the London Borough of Camden Local Plan 2017.*
4. *The proposed telephone kiosk, by reason of its design, would not be accessible to wheelchair users, failing to promote fair access or meet sufficient standard of design contrary to policy C6 (Access for all) of the London Borough of Camden Local Plan 2017.*

1.2 The Council's case is set out in detail in the attached Officer's Report and it will be relied on as the principal Statement of Case. The report details the application site and surroundings, the site history and an assessment of the proposal. A copy of the report was sent with the questionnaire.

1.3 In addition to the information sent with the questionnaire, I would be pleased if the Inspector could also consider the following information and comments before deciding the appeal.

## **2.0 Status of Policies and Guidance**

2.1 In determining the abovementioned application, the London Borough of Camden has had regard to the relevant legislation, government guidance, statutory development plans and the particular circumstances of the case. The full text of the relevant policies was sent with the questionnaire documents.

2.2 The London Borough of Camden Local Plan 2017 (the Local Plan) was formally adopted on the 3 July 2017 and has replaced the Local Development Framework Core Strategy and Camden Development Policies documents as the basis for

planning decisions and future development in the borough. The relevant Local Plan policies as they relate to the reasons for refusal are:

A1 Managing the impact of development  
C5 Safety and Security  
C6 Access  
D1 Design  
G1 Delivery and location of growth  
T1 Prioritising walking, cycling and public transport

2.3 The Council also refers to the following supporting guidance documents:

CPG Design (2019) updated since the refusal was issued.  
CPG Transport (2019) updated since the refusal was issued.  
Camden Streetscape Design Manual

2.4 The Council also refers to the following legislation, policies and guidance within the body of the Officer's Report:

Part 16 of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015  
National Planning Policy Framework (2019)  
London Plan (2016)  
Draft London Plan (2017)  
TfL's Pedestrian Comfort Guidance for London (2010)

### **3.0 Comments on the Appellant's Grounds of Appeal**

3.1 The appellant's grounds of appeal are summarised as follows:

1. Design and appearance of telephone kiosk
2. Visual clutter and appearance within the townscape
3. Siting
4. Principle of development

### **4.0 Design and appearance of telephone kiosk**

4.1 The appellant argues in the first ground of appeal that the public call box is of high quality design, in terms of elegant simplicity, with its form following function, it being a sound functional design, and that this is demonstrated by public call boxes already installed by the appellant. The appellant states the design is purely and primarily to facilitate the public call box functions within the legal parameters set out in the GPDO and where possible taking into account historically acceptable public call box designs. In addition, the appellant argues the design of the public call box is simple

and functional and has been developed to be consistent with other items of street furniture so as to avoid being intrusive or dominant.

## **5.0 Response to ground of appeal 1**

- 5.1 Policy D1 aims to ensure the highest design standards for developments. Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas.
- 5.2 Policy C6 requires new buildings, spaces and facilities that the public may use to be fully accessible to promote equality of opportunity.
- 5.3 Contrary to the appellant's view, the proposed structure is considered to be a very poor design in terms of size, scale, massing, materials and accessibility, and is not an appropriate or acceptable addition in this location. The kiosk would appear as an obtrusive piece of street furniture, detracting from the streetscene by virtue of its incongruous design; the powder coated steel frame and toughened glass introducing an intrusive, bulky addition to the street. As such, the proposal would fail to adhere to policy D1.
- 5.4 In terms of inclusive design and accessibility, standards BS8300-1:2018 and BS-2:2018 as set out in guidance document, 'Design of an accessible and inclusive built environment: External environment - code of practice,' requires that all telephone communication devices for public use should be fitted with assistive technology. These should include volume control and inductive couplers, as well as, a clear indication of their presence. A knee-hole should be provided at least 500mm deep and 700mm high to allow ease of access for wheelchair users. Telephone controls should be located between 750mm and 1000mm above the floor level. To benefit people who are blind or partially sighted, telephones should be selected which have well-lit keypads, large embossed or raised numbers that contrast visually with their background, and a raised dot on the number 5. Instructions for using the phone should be clear and displayed in a large easy to read typeface. A fold down seat (450-520mm high) or a perch seat (650-800mm high) should be provided for the convenience of people with ambulant mobility impairments.
- 5.5 Although the proposed kiosk would allow for wheelchair users to 'access' the kiosk to some degree, this does not amount to the provision of a wheelchair accessible phone. The telephone controls in the proposed kiosk would be located at a maximum height of 1.2m above the floor which would not be compliant. There are also no details of well-lit keypads, large embossed or raised numbers for the controls. No fold down or perch seat, nor knee-hole provision to allow ease of access for wheelchair users would be provided. Nor any indication that the kiosk is fully access

compliant in all other ways, such as, providing clear and suitably displayed instructions for using the phone in a large easy to read typeface.

- 5.6 In light of the above, the Council therefore strongly disputes the appellant's assertion that the proposed kiosk has a 'sound functional design' given that the kiosk is not considered to be fully accessible and would unnecessarily exclude a proportion of society from using the kiosk by virtue of its poor functional design. As such, the design of the proposed kiosk is also considered to be contrary to policy C6 and standards advised under BS8300-1:2018 and BS-2:2018 as it would not be inclusive nor accessible to all.
- 5.7 As set out in Policy C5 of the Camden Local Plan, the Council requires development to incorporate appropriate design, layout and access measures to help reduce opportunities for crime. As such, careful consideration needs to be given to the design and location of any street furniture or equipment in order to ensure that they do not obscure public views or create spaces that would encourage anti-social behaviour (ASB). Camden Planning Guidance CPG (Design) in Paragraph 7.42 states with regard to telephone kiosks in particular that, '*The size of the structure that the phone box is in should be minimised to limit its impact on the streetscene and to decrease the opportunities for crime and anti-social behaviour.*' The guidance adds that '*Designs which are dominated by advertising space are not acceptable.*'
- 5.8 With regards to community safety matters, a number of issues were raised by the Metropolitan Police Crime Prevention Design Advisor associated with the design and siting of the kiosk. In particular, it was noted that existing telephone kiosks within the London Borough of Camden have become 'crime generators' and a focal point for ASB. It is considered that the design of a kiosk sited on this busy footway would introduce increased opportunities for crime where there are already safety issues in terms of crime and ASB. In particular the size and design of the kiosk reduces sight lines and natural surveillance in the area, and providing a potential opportunity for an offender to loiter, contrary to policy C5 and CPG (Design).
- 5.9 With regard to anti-social behaviour around the call box, the Planning Inspector is requested to refer to Paragraphs 48-49 and the conclusions contained within appeal decisions to refuse similar telephone kiosk applications on Euston Road (see Appendix B attached). The Planning Inspector concluded that the size and design of the kiosk enabled it to be used for sleeping in and that it appeared to encourage rough sleeping within the Euston area (within which the current appeal site is located). The Planning Inspector is therefore respectfully requested to dismiss this appeal on the same grounds.
- 5.10 The appellant has stated that the design of the kiosk has directly addressed community safety concerns but has provided no evidence to demonstrate this. The appellant also in paragraph 3.29 and 3.30 of their Statement of Case asserts that there has been an '*acceptance of uniformity of design to signify the network provider*' and '*there must therefore be an acceptance that the design of the proposed public*



*call box will be consistent across the network.*' The Council does not accept the assertion and strongly challenges this view.

- 5.11 Firstly, as noted above, the recent High Court judgement (Case No: CO/3111/2018) recognises that the telephone kiosks proposed by Maximus are designed for the display of advertisements. If they were not, then the kiosk could be much smaller. This being the case, the Council strongly disagrees that there is an acceptance of the uniformity of the proposed kiosk design, and notes that the size and design is at odds with more modern and integrated approaches that are clearly possible to achieve. It is important to note that standard telephone kiosks have a footprint of 0.9m x 0.9m (0.81sqm). British Telecom (BT) has minimised the size of their replacement kiosks (BT InLink) by designing a unit with a footprint of 0.89m x 0.27m (0.24sqm). The proposed telephone kiosks would have a footprint of 1.325m x 0.976m (1.29sqm). The footprint of the proposed telephone kiosk is broadly similar to that of a standard telephone kiosk and would be nearly 5 times greater than the new BT replacement kiosks. The longer of the 2 horizontal dimensions (1.325m) would be 435mm wider than the new BT replacement kiosks (0.89m). The appellant has therefore clearly failed to minimise the size of the telephone kiosk in accordance with the guidance.
- 5.12 Secondly, the Council notes that the appellant submitted new prior approval applications in December 2018 introducing a new, revised kiosk design. This clearly brings into question the appellant's assertion that the Council should accept the proposed design of the proposed kiosk on the grounds of consistency or uniformity when the appellant is actively adopting an inconsistent approach through the introduction of a different type of kiosk; the implication being that the kiosk design being considered here in this appeal appears to no longer be suitable.

## **6.0 Visual clutter and appearance within the townscape**

- 6.1 The appellant has stated that the public call box would not be visually intrusive or dominant in the streetscape by virtue of its simple form, consistent design of other street furniture, neutral appearance and palette of materials used. As a consequence, no harm would result to visual amenity from the siting or appearance of the kiosk

## **7.0 Response to ground of appeal 2**

- 7.1 As stated above, Policy D1 states that the Council will require all developments to be of the highest standard of design and to respect the character, setting, form and scale of neighbouring buildings, its contribution to the public realm, and its impact on wider views and vistas.
- 7.2 Due to its location and the prominence of the proposal's siting within the Town Centre, it is considered that the proposed development would add to the over

proliferation of such structures and severely degrade the visual amenity of the area through the creation of further unnecessary street clutter. The telephone kiosk would be significantly wider than other items of street furniture including existing telephone kiosks in the general vicinity of the site. The proposal would therefore have a harmful and negative impact on the streetscape. The Council therefore strongly disagrees with the appellant's assertion that the kiosk would be neutral in appearance in this location and that it would lead to no visual harm.

The application site is located on a pavement measuring approximately 4.6m wide. This area of the footway consistently experiences extremely high pedestrian flows, due to its commercial location and proximity to Holborn Underground Station.

- 7.3 The telephone kiosk would be located within a narrow strip of defined street furniture zone on the footway, adjacent to the kerb. The telephone kiosk would be significantly wider than other items of street furniture such as lamp columns and sign posts in the general vicinity of the site. The telephone kiosk would therefore obstruct and impede pedestrian movement (especially for blind and partially sighted pedestrians) and visibility on and along the footway, and consequently it would have a significant impact on pedestrian comfort levels, both now and in the future. The kiosk would obstruct inter-visibility between vehicular traffic and pedestrians wishing to cross the road at this location. In addition, the telephone kiosk would obstruct and impede kerbside activity such as deliveries, taxi pick-ups and drop-offs, refuse and recycling collections, and other servicing. Therefore, the proposed development would add to the over-proliferation of such structures and severely degrade the visual amenity of the area through the creation of further unnecessary street clutter. In this regard, the appellant's view that the kiosk is consistent in design with other street furniture is irrelevant as the Council objects to the addition of any further kiosks (regardless of design) given the over-proliferation of street furniture nearby as stated above.
- 7.4 As such, the proposal would be contrary to the guidance of the National Planning Policy Framework (NPPF) which aims to keep telecommunication sites to a minimum and encourage applicants to explore shared facilities. In addition to concerns about the infrequent use of telephone kiosks due to the prevalence of mobile phone use, it is considered that the proposed telephone kiosk would act only as a hindrance to pedestrian movement, adding further clutter to the streetscene rather than providing a public service for the benefit of highways users, contrary to Policy A1.
- 7.5 The Council therefore strongly disagrees with the appellant's assertion that the kiosk would be neutral in appearance in this location and that it would lead to no visual harm. On the contrary, the kiosk would clearly stand out in this location as an incongruous, prominent feature, appearing out of place in the pavement area, and as such, would have an unacceptable impact on the street scene. In this regard, the Planning Inspector is requested to refer to Paragraphs 20-23 and the conclusions contained within appeal decisions to refuse similar telephone kiosk applications on the pavement outside Euston Tower on west side of Hampstead Road, London NW1

3DP (Appeal D ref: APP/X5210/W/18/3195366). Please see Appendix B attached. The Planning Inspector is respectfully requested to dismiss this appeal on the same grounds.

## **8.0 Siting**

8.1 The appellant states that the proposed public call box is in a suitable location as defined in Transport for London's 'Pedestrian Comfort Guidance', such that, there would be no significant decrease in the amount of usable and unobstructed footway. The appellant considers that the payphone would not be detrimental to the quality of the public realm, nor the amenity or the safety of pedestrians as there would continue to be ample room for pedestrians to walk in comfort and freedom on this stretch of pavement.

## **9.0 Response to ground of appeal 3**

9.1 Paragraph 9.7 of Camden Planning Guidance document CPG (Transport) states that the Council will seek improvements to streets and spaces to ensure good quality: Key considerations informing the design streets and public spaces include

- Ensuring the safety of vulnerable road users, including children, elderly people and people with mobility difficulties, sight impairments, and other disabilities; taking account of surrounding context and character of area;
- Providing a high quality environment in terms of appearance, design and construction, paying attention to Conservation Areas;
- Avoiding street clutter and minimising the risk of pedestrian routes being obstructed or narrowed, e.g. by pavement parking or by unnecessary street furniture.

9.2 Section 3.01 of Camden's Streetscape Design Manual requires a minimum unobstructed pathway width within the footway, known as the 'clear footway'. This guidance and Appendix B of TfL's 'Pedestrian Comfort Guidance', outlines the recommended minimum footway widths for different levels of pedestrian flows and indicates that footways in high flow areas should be at least 5.3m wide with a minimum effective footway width of 3.3m. Camden's Streetscape Design Manual (section 4.01), together with TfL's Pedestrian Comfort Guidance, states that street furniture should be placed a minimum of 0.45m back from the carriageway.

9.3 Policy T1 of Camden's Local Plan states that the Council will seek to ensure that developments improve the pedestrian environment, including the provision of high quality footpaths and pavements for the number of people expected to use them.

9.4 The appellant's site plan indicates that the application site is located on a pavement measuring approximately 4.6m wide, and that the resulting effective footway width would be reduced to 2.8m. The proposed kiosk would be located in close proximity to the entrance to Domino's Pizza. Observations indicate that staff park motorcycles

on the footway directly adjacent to the property. Smokers have been observed congregating on the footway at this location (possibly staff and visitors to the adjacent property). Both of these issues have the effect of reducing the effective footway width available for pedestrian movement, albeit intermittently during opening hours, (1000-2300 hours). Therefore, the effective footway width of 2.8m cannot be relied on to be available for pedestrian movement. The pavement comprises the necessary elements of trees, lamp-posts and a Cycle Hire Docking Station, there is also an existing phone box and post box within proximity to the proposed site. The Planning Inspector is requested to refer to Paragraph 27 in particular of the appeal decision (see Appendix B attached) to refuse a similar telephone kiosk on the pavement outside Crowndale Centre, 218 Eversholt Road, London NW1 1BD (Appeal A Ref: APP/X5210/W/18/3202885) (see Appendix D) which concluded that the kiosk would have some impact on pedestrian flows along this busy pedestrian route. In addition, a row of mature trees is located adjacent to the kerbside to the east of the site. These help to soften the landscape and define the street. The proposal to install a telephone kiosk would spoil the uncluttered pedestrian environment. The proposal would therefore have an unacceptable impact on the street scene. The street scene is somewhat similar to that adjacent to 297 Euston Road, London, NW1 3AQ (Appeal Ref: APP/X5210/Z/18/3204104). It is worth referring to the recent appeal decision (see Appendix C) to provide advertising at an existing telephone kiosk at that location. The Planning Inspector notes at paragraph 5, 'Due to its bulk and siting, the kiosk erodes the existing openness beyond the row of trees, and due to its depth and width, it disrupts the largely unrestricted routes of pavement users by the row of trees.' The Planning Inspector is respectfully requested to dismiss this appeal on the same grounds.

- 9.5 The footprint of the proposed telephone kiosk measures 1.325m by 0.976m an area of 1.29sqm. Detailed design drawings that include the orientation and exact proposed positioning of the new telephone kiosk on the pavement have not been submitted and so it is unclear as to how wide the 'clear footway' width would be once the proposed telephone kiosk has been installed. Furthermore, the site plan provided with eastings and northings would place the kiosk in the carriageway, which does not match the site plan provided. However, Camden's Streetscape Design Manual section 4.01, together with TfL's Pedestrian Comfort Guidance, states that street furniture should be placed a minimum of 0.45m back from the carriageway and allow a minimum of 3.3m of 'clear footway width'. Although the site plan annotates the kiosk is set 0.45m back from the carriageway, the proposal would result in the loss of a minimum of 1.8m of the footway. This would reduce the 'clear footway' to less than the minimum threshold, which would reduce pedestrian comfort, resulting in overcrowding, issues highway safety through interfering with signals, visual obstructions, visibility splays and may lead to the discouragement of sustainable travel. As such, the proposal would be contrary to Policies A1 and T1 and is considered unacceptable.

- 9.6 Policy T1 of Camden's Local Plan states that to promote sustainable transport choices, development should prioritise the needs of pedestrians and cyclists and ensure that sustainable transport will be the primary means of travel to and from the site. It goes on to state that the Council will seek to ensure that developments improve the pedestrian environment, including the provision of high quality footpaths and pavements for the number of people expected to use them. It also states that features should be included to assist vulnerable road users where appropriate.
- 9.7 Given that greater pathway widths are usually required in high pedestrian flow areas like this location, it is considered that pedestrian comfort would be significantly reduced, resulting in overcrowding, issues of highway safety through interfering with signals, visual obstructions, visibility splays and possibly leading to the discouragement of sustainable travel. As such, the proposed siting is considered to be wholly inappropriate and likely to provide a hindrance to pedestrian movement rather than providing a public service for the benefit of highways users, contrary to policies A1 and T1 and is unacceptable.
- 9.8 With regard to safety issues for both drivers and pedestrians at traffic junctions and crossings, Camden Planning Guidance document CPG1 (Design) in Paragraph 9.27 advises that, '*All new phone boxes should have a limited impact on the sightlines of the footway.*' This is supported by Transport for London (TfL) in the document titled 'Streetscape Guidance' which on page 142 states that, '*Sightlines at crossings should not be obstructed by street furniture, plantings or parked/stopped vehicles.*' Further, Paragraph 6.3.10 of the Manual for Streets advises that, '*Obstructions on the footway should be minimised. Street furniture is typically sited on footways and can be a hazard for blind or partially-sighted people.*'
- 9.9 The proposed telephone kiosk would be located on High Holborn, part of the A40, which forms part of the Strategic Road Network (SRN). The proposed telephone kiosk would be located approximately 50m between junctions and pedestrian crossings controlled by traffic signals in a Central London location. Unnecessary and dysfunctional street clutter at any location in the footway on the SRN or TLRN has an adverse impact on the movement of pedestrians and road users alike, as well as, obstructing sightlines which goes against TfL's statutory network management duties and guidance. The proposed telephone kiosk would be significantly wider than the established street furniture zone in the general vicinity of the site. As a result, it would significantly encroach into the effective footway width available for pedestrian movement. The telephone kiosk would therefore significantly reduce pedestrian comfort through constituting an impediment to pedestrian movement along the pedestrian desire line and would obscure sightlines along the footway (especially for blind and partially sighted pedestrians). It would also obscure visibility on and along the footway and nearby pedestrian crossings, as well as reducing visibility for road users approaching a busy traffic signal controlled junction. As such, the introduction of a kiosk is considered to have significant pedestrian and road safety implications in this location contrary to policies A1 and T1, as well as, TfL guidance.

9.10 This is a similar situation to a telephone kiosk application for which an appeal was dismissed on the pavement outside 29-31 Euston Road, London NW1 2SD (Appeal J ref: APP/X5210/W/17/3180688). The Planning Inspector concluded that the proposal to locate a telephone kiosk in close proximity to traffic signals would constitute an unnecessary hazard. In this regard, the Planning Inspector is referred to paragraph 36 and the conclusion of the report (see Appendix B attached) and respectfully requested to dismiss this appeal on the same grounds.

## **10.0 Principle of Development**

10.1 The appellant states that the appeal should be considered against matters of siting and appearance only, but considers that Council objects in principle to the development of a new telecoms network. Further, the appellant considers that this approach by the Council manifests itself in a substantial number of reasons for refusal that do not acknowledge the provisions of the GPDO and the sole tests of siting and appearance, and that this is a clear and unreasonable obfuscation of the intent of the GPDO in relation to development by Electronic Communications Operators.

## **11.0 Response to ground of appeal 4**

11.1 The Council has been mindful throughout the application process and assessment of the proposals of the need to consider each application on its own merits, taking into account matters of siting and appearance in accordance with the provisions of the GPDO. This approach has been validated through the recent appeal decisions which have in many cases supported the position taken by the Council to oppose the proposed siting of payphone kiosks within the Borough. In this particular regard, the Planning Inspector's attention is drawn to the following most recent appeals.

## **12.0 Recent appeals dismissed re telephone kiosks (dated 18<sup>th</sup> September 2018):**

12.1 On 18<sup>th</sup> September 2018, 13 appeals were dismissed for installation of identical Euro Payphone kiosks along Euston Road and in King's Cross. One decision notice was issued covering all of the appeals and this is attached in Appendix B for convenience. Particular paragraphs for the inspector's attention are highlighted in yellow. He concluded that all the proposed kiosks would add to street clutter and most of them would reduce footway widths hampering pedestrian movement.

12.2 The Inspector agreed in all 13 cases with the Council's concerns about the addition of street clutter whether the sites were or were not located inside a conservation area or affecting the setting of a listed building. In 11 cases he agreed that the impact on pedestrian movement was unacceptable and, when the issue was raised, that the impact on the visibility of traffic signals would also not be acceptable. He took on board the availability too of other telephone kiosks in the vicinity.

- 12.3 In summary, the inspector noted the following: The only matters for consideration are the siting and appearance of the kiosk. The appellant does not have to prove a need for new telephone kiosks (para 3). The kiosks however would appear as substantial structures on the pavement. He also noticed that some of the existing kiosks of similar size in the area exhibited evidence of being used for sleeping in by homeless people. The phones in some of the kiosks also appeared not be functioning. These circumstances suggest that some of the existing kiosks are not being used for the purpose for which they were intended, which puts into question their primary purpose (paragraph 12).
- 12.4 He noted that the proposed kiosks would comply with the required minimum clear footway widths next to them as set out in the Transport for London Streetscape Guidance and Pedestrian Comfort Guidance, and with Camden's Streetscape Design Manual, Design Planning Guidance (CPG1) and Transport Planning Guidance (CPG7). He notes (paras 45 and 46) however that paragraph 8.10 of CPG7 states that works affecting highways should avoid unnecessary street clutter; design of footways should not include projections into the footway, unnecessary and cluttered street furniture or other obstructions; and any minimum standards for footway widths should not be used to justify the provision of unnecessary street clutter or reduction in footway width. Paragraph 8.6 seeks to ensure, amongst other things, that street clutter is avoided and the risk of pedestrian routes being obstructed is minimised.
- 12.5 He concluded that all the proposed kiosks would add to street clutter and most of them would reduce footway widths hampering pedestrian movement. The GPDO establishes the principle of the need for such telephone kiosks but the benefits of providing them are inevitably related to whether there are other existing pay phones in the vicinity. If there are no existing pay phones then the benefits of new pay phones must necessarily be enhanced, even despite the widespread use of mobile phones. He highlighted the availability of other such kiosks in the locality. The sites were also adjacent or within close walking distance of three mainline railway stations (Euston, St Pancras and King's Cross) all of which contain within them a number of pay phones. The benefit of providing additional kiosks in such circumstance is therefore limited.

### **13.0 Recent appeals dismissed re telephone kiosks (dated 19<sup>th</sup> December 2018):**

- 13.1 On 19<sup>th</sup> December 2018, 10 appeals were dismissed and 2 allowed for the installation of kiosks in various locations in Camden Town, West End Lane and Kentish Town areas. One appeal decision notice was issued covering all of the appeals. For ease of reference, a brief summary and the appeal decision are attached as Appendix D.

13.2 In light of the appeal decisions referred to above, the Planning Inspector is asked to review the conclusions which cover the recent dismissal of appeals for various telephone kiosks on the Euston Road, as the Council considers these to be relevant and applicable to this current appeal.

**14.0 Recent appeals dismissed re telephone kiosks (dated 29<sup>th</sup> & 30<sup>th</sup> July 2019):**

14.1 On 29<sup>th</sup> and 30<sup>th</sup> July 2019, 12 appeals were dismissed for the installation of kiosks in various locations in Camden Town, West End Lane and Kentish Town areas. Four appeal decision notices were issued covering all of the 12 appeals. These are attached as Appendix E.

14.2 In light of the appeal decisions referred to above, the Planning Inspector is asked to review the conclusions which cover the recent dismissal of appeals for various telephone kiosks in the above locations, as the Council considers these to be relevant and applicable to this current appeal.

**15.0 Recent appeals (City of Westminster) dismissed re: telephone kiosks (dated 9<sup>th</sup> August 2019):**

15.1 On 9<sup>th</sup> August 2019, 13 appeals were dismissed for the installation of kiosks in various locations in the City of Westminster. One appeal decision notice was issued covering all of the appeals. For ease of reference, the appeal decisions are attached as Appendix F.

15.2 In light of the appeal decisions referred to above, the Planning Inspector is asked to review the conclusions which cover the recent dismissal of appeals for various telephone kiosks in the above locations, as the Council considers these to be relevant and applicable to this current appeal.

**16.0 Recent appeals dismissed re: telephone kiosks (dated 28<sup>th</sup> August 2019):**

16.1 On 28<sup>th</sup> August 2019, 5 appeals were dismissed and 2 allowed for the installation of kiosks in various locations in Haverstock Hill, Finchley Road, Avenue Road and Kentish Town areas. One appeal decision notice was issued covering all of the appeals. For ease of reference, the appeal decision is attached as Appendix G.

16.2 In light of the appeal decisions referred to above, the Planning Inspector is asked to review the conclusions which cover the recent dismissal of appeals for various telephone kiosks in the above locations, as the Council considers these to be relevant and applicable to this current appeal.

**15 Conclusion**



15.1 Having regard to the entirety of the Council's submissions, including the content of this letter, the Inspector is respectfully requested to dismiss the appeal. If any further clarification of the appeal submissions are required, please do not hesitate to contact **Leela Muthoora** on the above direct dial number or email address.

Yours sincerely,

**Leela Muthoora**

Planning Technician - Planning Solutions Team  
Supporting Communities Directorate  
London Borough of Camden

## List of Appendices

### Appendix A: Photos of street scene



**Appendix B: Appeal Decision – 13 x Phone Kiosks Euston Road and King’s Cross – All dismissed 18/09/2018**

**Appendix C: Appeal Decision – outside 297 Euston Road, London NW1 3AQ (APP/X5210/Z/18/3204104) - dismissed 08/10/2018**

**Appendix D: Recent appeals dismissed re telephone kiosks - Camden Town et al (10 Dismissed 2 Allowed) (dated 19th December 2018)**

**Appendix E: Recent Appeal dismissed for Euston, Bloomsbury, Camden Town (kiosks) (dated 29th and 30th July 2019)**

**Appendix F: Recent appeals (City of Westminster) – all dismissed re telephone kiosks (dated 9th August 2019)**

**Appendix G: Recent appeals dismissed re telephone kiosks (Camden - north) (dated 28th August 2019)**