
Appeal Decision

Site visit made on 25 February 2015

by Jane Miles BA (Hons) DipTP MRTPI

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

Decision date: 18 March 2015

Appeal Ref: APP/X5990/W/14/3000892

1no. BT telephone kiosk outside 8 Duncannon Street, London WC2N 4JF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Steve Beeken of Thinking Outside the Box against the decision of City of Westminster Council.
 - The application ref: 14/04470/FULL, dated 12 May 2014, was refused by notice dated 20 August 2014.
 - The development proposed is change of use of 1no. BT telephone box to 1no. self-contained retail unit (A1).
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have determined the appeal on the basis of the revised plans submitted with the appeal, drawing nos. EX01/A and PL01/A. The revisions are simply to correct an error in the application drawings, which wrongly showed the door of the telephone box hinged on the right hand side.

Reasons

3. The appeal proposal would involve replacing the telephone equipment inside the box with a self-contained modular unit that would be used to supply drinks and/or ice cream to passing pedestrians. When the retail facility is in operation, the door of the box would be kept open and the vendor would stand on the pavement next to it. From the supporting information it is apparent that the proposed change of use would not involve any significant change to the principal structure of the telephone box: its external appearance would remain essentially the same as that of the other adjacent boxes.
4. The telephone box is one of four on a triangular projection of pavement area at the junction of Duncannon Street and The Strand. It is in the Trafalgar Square Conservation Area (CA) which is significant for its many listed buildings of national importance and for the Square itself. The telephone box, which is not directly adjacent to any listed building, is neither a designated nor a non-designated heritage asset¹. It is however part of a group of telephone boxes that contribute positively to a street scene which is characterised in large part by roads, traffic, pavements and other street furniture.

¹ The definition of heritage assets in Annex 2: Glossary to the *National Planning Policy Framework* sets out that it is the role of local authorities (rather than local amenity societies) to identify non-designated assets

5. Given this specific site context, and the negligible change to the external appearance of the box, I find the proposal would not harm the character of the CA as a whole, notwithstanding the concerns of local amenity societies. The CA's character and appearance would be preserved, as would the setting of listed buildings in the wider locality, and the significance of those heritage assets would not be diminished. Thus I agree with the Council that there are no compelling reasons to reject this particular proposal on design or conservation grounds.
6. Therefore, having regard to the Council's refusal reason, the **main issue** is the effect of the proposal in terms of pedestrian circulation and highway safety. The triangular area of pavement contains various other features such as steps down to Charing Cross Tube Station, refuse/recycling bins and bike stands and is already a relatively cluttered area. The corner of the adjacent building and the group of telephone boxes create a relatively narrow pinchpoint in the pedestrian route between two signal-controlled pedestrian crossings (of The Strand, opposite Charing Cross Railway Station, and of Duncannon Street). At the time of my visit the area was very busy, with a generally continuous flow of pedestrians using the crossings and the pedestrian route between them.
7. I note the appellant's points about the likelihood of congestion/obstruction here, including reference to an adopted SPD² and guidance from Transport for London³. Nonetheless in this particular and very busy location it is readily apparent on a common sense basis that both the open door of the kiosk (which opens out towards the main flow of pedestrians) and people waiting to be served would lead to congestion and obstruction of this busy pedestrian route. The adverse impact would be greater than that associated with use as a telephone box. I therefore find the proposal would be unacceptably harmful in terms of pedestrian circulation and safety. It would conflict in this respect with saved Policies TRANS3 and SS16 of the Council's Unitary Development Plan (2007) and Policy S41 of Westminster's City Plan: Strategic Policies (2013).
8. The Council is also concerned about servicing arrangements but, as there is a nearby parking bay in Duncannon Street, servicing is unlikely to be problematic or to compromise highway safety to any significant degree. There would not therefore be any material conflict with development plan policies in this respect, but that does not outweigh my findings in the previous paragraph.
9. In terms of benefits I note that demand for telephone boxes such as these continues to decrease, significantly reducing their commercial viability, and that the proposal would re-use a structure that contributes to the character and appearance of the street scene. It would create an employment opportunity, albeit on a very small scale, and it is explained that 'Thinking Outside the Box' is a charitable trust which would give a percentage of earnings from the proposed use to support projects for homeless people. Such benefits would accord with elements of all three dimensions of sustainable development but, even so, I do not find these or any other matters raised sufficient to outweigh my conclusion relating to pedestrian circulation. It follows therefore that the appeal must fail.

Jane Miles

INSPECTOR

² Westminster Way – Public realm strategy - Design principles and practice (2011)

³ TfL Pedestrian Comfort Guidance

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