

**Appeal No: APP/X5210/W/19/3231467**

(Planning application 2018/5533/P London Borough of Camden)

**55 Fortune Green Road London NW6 1DR**

### **Objection and comments from Fortune Green and West Hampstead NDF**

The did not submit an objection to this scheme prior to it being rejected by LB Camden, due to administrative error. We would like to present what we intended to submit at the time and add some additional comments.

We have also become aware the Planning Inspectorate has started grouping the plethora of appeals for this type of “phone box” or “phone kiosk”. Because the grouping is not based on the ward boundaries that designate the NDF’s Area, some of the applications in our area are not lead applications in the Inspectorate’s groups, or are grouped with applications which are not covered by our plan

**Our objections, the majority of which are based on precise wording in the Plan, must be considered against those applications which are in the NDF Area. (We would suggest that they could also be useful is in assessing similar schemes in neighbouring wards.)**

**We would like to record that the NDF was formed to oversee the implementation of the Plan and will to object to any and all applications in the Area that ignore the Plan, using the weight that is due to the Plan.**

### **Our comments on the original application, had we not failed to submit them, would have been similar to below:**

1. The Fortune Green and West Hampstead Neighbour Development Forum OBJECTS to this application for prior approval for a telephone cabinet on the pavement for the following reasons.
2. The Neighbourhood Plan indicates the desire and need to maximise clear space on pavements throughout the Plan Area. Please note below that the Plan specifically mentions Fortune Green Road

#### **Page 46 and 47:**

*“POLICY 9: Pavements & Pedestrians*

*Pedestrian access in the Area - particularly in and around the West Hampstead Growth Area – shall be improved by development that takes into account the following:*

- i. Provides safe and wide pavements, giving the maximum possible space to pedestrians.*
- ii. Is set well back from the pavement, where appropriate, with the aim of giving additional pavement space.*
- iii. Improves accessibility for disabled people and those with push chairs.*
- iv. Contributes to improved and safer pedestrian crossings - particularly on the roads listed in D14.*
- v. Increases the amount of space for pedestrians around public transport facilities.*
- vi. Improves the existing network of paths in the Area.*
- vii. Contributes to the provision of new paths and, where viable, new crossings over the railway lines.”*

*D14. Pavements & Pedestrians:*

*The London Plan (Policy 6.10) says “the Mayor will work with all relevant partners to bring about a significant increase in walking in London, by emphasising the quality of the pedestrian and street environment, including the use of shared space principles – promoting simplified streetscape, decluttering and access for all”. The CCS notes (p.9) that walking accounts for nearly half the journeys taken by Camden residents and says (14.20) “the Council will seek improvements for all pedestrians to ensure good quality access and circulation arrangements, including improvement to existing routes and footways”.*

*There is strong support for additional space(s) for pedestrians in the Area (Objective 3). In many parts of the Area, pedestrians are forced onto narrow, uneven and poorly maintained pavements.*

*A popular example of where additional space has recently been made for pedestrians is the entrance to the Thameslink station on Iverson Road. Other similarly creative schemes should be brought forward for other parts of the Area.*

*A particular problem is the pavements between the three stations on West End Lane. At busy times, especially during the rush hour, the pavements become congested and pedestrians regularly spill onto the road. During the course of its work, the NDF looked into the possibility of a survey of pedestrian movements and flows in the area to shape the design of future improvements and policies. The cost was beyond the financial resources of the NDF, but the Plan calls on Camden Council to implement such a study. This could be funded from S106 or CIL money. (see Transport Table)*

*There is scope to improve the safety of the pedestrian crossings to give more space for pedestrians, including wheelchair users and those with pushchairs on the following roads in the area:*

- West End Lane*
- Mill Lane*
- Fortune Green Road*
- Finchley Road*
- Shoot-up-Hill”*

3. There have been two previous applications for similar phone cabinets on this exact site which were both rejected by LB Camden, and the most recent was also refused on appeal.
4. The site is in the Fortune Green Road Neighbourhood Centre, for which there are particular policies in the Neighbourhood Plan.
  - a. Page 56 of the NDP  
*“POLICY 15: Fortune Green Road Neighbourhood Centre Development (including change of use) shall preserve or and enhance the character of the neighbourhood centre and provide for a diverse range of shops, businesses and economic activity.*
  
  - F12. The retail area of Fortune Green Road is also designated by Camden Council as a Neighbourhood Centre. Like the Mill Lane Neighbourhood Centre, this area has a notable and distinct character - reflecting its proximity to the West End Green Conservation Area and the open space of Fortune Green. The Centre would benefit from: better signage; improvements to pavements and shop fronts; and other measures designed to encourage footfall and use.”*
  - b. Fortune Green Road is identified as a special streetscape in the Plan (page 18 para A11: *“ In addition, streetscape views are important, particularly in areas of terraced housing and mansion blocks. The streetscapes of the main roads through the area - especially West End Lane, Fortune Green Road and Mill Lane - are also of note “*)
5. The proposal will increase congestion and/or litter.
6. There is an existing under-utilised phone box 50 metres to the south of the proposed site, so there is no need for further provision.
7. It seems clear from looking at the proposers’ website, [www.maximus-networks.com](http://www.maximus-networks.com), that this proposal is the first step in building an advertising panel, rather than for the provision of telecommunications.
8. No regard has been taken by the applicant of the policies of The Fortune Green and West Hampstead Neighbourhood Development Plan.

**We would like to add further comments for consideration for this appeal.**

1. This is the third application for a “telephone kiosk” on this site. All three were rejected by LB Camden. (In fact all applications of this type have been rejected within the NDP Area have been rejected). The second application was also refused on

appeal. (APP/X5210/W/18/3211508). This third application appears almost identical to the previous applications, except that the kiosk is blacker, wider and taller than the previous proposal. Nothing has changed on the site which remains close to two Conservation areas, and is still within the Area of the Neighbourhood Plan.

2. The appeal documentation references several appeal decisions relating to similar applications in different areas, which allowed the appeals. For the record we would remind the examiner of the recent appeals which rejected similar applications in the LB Camden, of which we are sure she is already aware. See attached document A which lists some of them. Of these, three are within the Fortune Green and West Hampstead NDP Area and which are surely are more relevant to this appeal. Indeed as noted in para 1, the appeal examiner rejected the second almost identical application on this exact site so we are very surprised that the applicant has resubmitted given the previous ruling.
3. One of the previous appeal judgements used by the appellants APP/X5990/A/12/2187244, 348 Harrow Road, the examiner notes that the council was concerned by the possible future use of the kiosk for advertising, but the examiner states that the courts have decided that there are other controls to manage advertising. However, we note that the examiner went on to say that he had specified in his decision that the kiosks should be painted black and maintained black for their lives. In the event of approval of this appeal we request a similar condition.
4. We, and apparently most Borough Councils in London, including specifically, Harrow, Camden and Westminster believe that it is completely clear that Maximus' sole purpose for these kiosks is to use them as advertising stands. **Given that the applicant insists that they are there as telephone kiosks we cannot understand why they are so large and thus we object to them on the basis of their sheer unnecessary size and lack of transparency and resultant destruction of the street scene.** A screen prints of the second page of Maximus' website ([www.maximus-networks.com](http://www.maximus-networks.com)) is shown below included.

#### **Attachments below**

- Fortune Green and West Hampstead NDP pavement policy page 1 (original at <http://www.ndpwesthampstead.org.uk/NDPfinalMay2015.pdf> page 46)
- Fortune Green and West Hampstead NDP pavement policy page 2
- Screen shot from Maximus' website

# 04 POLICIES

## D. SUSTAINABLE TRANSPORT

### POLICY 9: Pavements & Pedestrians

Pedestrian access in the Area - particularly in and around the West Hampstead Growth Area - shall be improved by development that takes into account the following:

- i. Provides safe and wide pavements, giving the maximum possible space to pedestrians.
- ii. Is set well back from the pavement, where appropriate, with the aim of giving additional pavement space.
- iii. Improves accessibility for disabled people and those with push chairs.
- iv. Contributes to improved and safer pedestrian crossings - particularly on the roads listed in D14.
- v. Increases the amount of space for pedestrians around public transport facilities.
- vi. Improves the existing network of paths in the Area.
- vii. Contributes to the provision of new paths and, where viable, new crossings over the railway lines.

**D14. Pavements & Pedestrians:** The London Plan (Policy 6.10) says "the Mayor will work with all relevant partners to bring about a significant increase in walking in London, by emphasising the quality of the pedestrian and street environment, including the use of shared space principles – promoting simplified streetscape, decluttering and access for all". The CCS notes (p.9) that walking accounts for nearly half the journeys taken by Camden residents and says (14.20) "the Council will seek improvements for all pedestrians to ensure good quality access and circulation arrangements, including improvement to existing routes and footways".

There is strong support for additional space(s) for pedestrians in the Area (**Objective 3**). In many parts of the Area, pedestrians are forced onto narrow, uneven and poorly maintained pavements. A popular example of where additional space has recently been made for pedestrians is the entrance to the Thameslink station on Iverson Road. Other similarly creative schemes should be brought forward for other parts of the Area.

A particular problem is the pavements between the three stations on West End Lane. At busy times, especially during the rush hour, the pavements become congested and pedestrians regularly spill onto the road. During the course of its work, the NDF looked into the possibility of a survey of pedestrian movements and flows in the area to shape the design of future improvements and policies. The cost was beyond the financial resources of the NDF, but the Plan calls on Camden Council to implement such a study. This could be funded from S106 or CIL money. (see Transport Table)

There is scope to improve the safety of the pedestrian crossings to give more space for pedestrians, including wheelchair users and those with pushchairs on the following roads in the area:

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- Mill Lane
- Fortune Green Road
- Finchley Road
- Shoot-up-Hill

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**D15. Street clutter:** a range of signs, traffic signals, bins, black boxes, railings and commercial signs appear on many pavements in the Area. In order to make more space for pedestrians and to improve movement these items should be minimised; where they are needed, they should be set back as far as possible or placed on side streets. Visual clutter - such as out of date street signs and estate agent boards - should also be minimised. Waste and recycling from residential and commercial premises should not be left on pavements for long periods. Fly-tipping should be strongly discouraged and heavily penalised.

**D16. Pathways:** a number of paths in the Area provide important pedestrian routes.

They are:

- Billy Fury Way (West End Lane to Finchley Road)
- Black Path (West End Lane to Broomsleigh Street)
- Potteries Path (West End Lane to Lyrmington Road)
- 'O2 Centre path' (Blackburn Road to O2 Centre)
- Wayne Kirkham Way (Mill Lane to West End Sidings estate)

These routes should be well maintained, well lit, safe and secure - including, where appropriate, the use of CCTV cameras. Where possible, they should also be opened up and widened. Due to concerns about its safety, Wayne Kirkham Way would benefit from renovation and/or redesign.

There is also a need for new pedestrian routes in the area, particularly in and around the Growth Area and for new crossings over the railway lines. The railways lines divide the area and are a barrier to movement, with limited crossing points. Suggestions for new crossings over the railway lines include new north/south routes through the Growth Area (see 4B).

**RECOMMENDATION H:** in support of Policy 9 the following actions are recommended.

- The removal of clutter and obstructions from pavements and paths in the Area.**
- Efforts to promote the removal of unnecessary visual clutter, signs and advertising.**
- A survey of pedestrian movements around the three West Hampstead stations to inform and provide improvements for pedestrians in this area.**

Such a scheme should consider:

- A new pedestrian crossing outside West Hampstead tube station and the removal of other nearby pedestrian crossings.
- An expanded pedestrian area on the railway bridge above the Underground lines, linking with the new pedestrian space at 189-199 West End Lane.
- A redeveloped London Overground station set well back from the pavement.
- The removal of all street clutter between the Overground station and Iverson Road to provide a clear pedestrian connection to the Thameslink station forecourt.

Screen shot from Maximus' website

