
Appeal Decision

Site visit made on 5 December 2016

by G J Fort BA PGDip LLM MCD MRTPI

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

Decision date: 20 December 2016

Appeal Ref: APP/L5810/W/16/3158490

Pavement in front of 29-31 King Street, Twickenham TW1 3SD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeal is made by Mr D Parkin (Infocus Public Networks Ltd) against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 16/1490/TEL, dated 14 April 2016, was refused by notice dated 8 June 2016.
 - The development proposed is installation of a public payphone on the highway by an electronic communications code systems operator.
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Decision

1. The appeal is allowed and approval is granted under the provisions of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the siting and appearance of the installation of a public payphone on the highway by an electronic communications code systems operator at land at the pavement in front of 29-31 King Street, Twickenham, TW1 3SD in accordance with the terms of the application Ref 16/1490/TEL, dated 14 April 2016, and the plans submitted with it.

Procedural matter

2. I have used the description of development given in the appeal form in the banner heading above as this accurately captures the scope of the proposed development.

Background and Main Issues

3. The appeal concerns a proposed telecommunications development that was refused prior approval by the Council under the terms of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (the GPDO). Within certain limits the GPDO grants permission for the development of telecommunications equipment subject to a prior approval procedure. The GPDO makes it clear that the relevant issues to consider when assessing applications of this type are the siting and appearance of the proposed development. As a consequence, I consider the main issues in this appeal to be firstly, the effects of the siting and appearance of the proposed development on the character and appearance of its surroundings; and secondly the effects of its siting on the pedestrian environment.
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Reasons

Character and appearance

4. The appeal site is located in a commercial thoroughfare in the town centre of Twickenham, close to the edge of the pavement, in the wider environs of the junction of King Street and Wharf Lane. King Street is a wide road, and adjacent to the appeal site is flanked by tall terraced properties, predominantly brick-faced in the upper storeys but with shop fronts and fascias imparting a strong horizontal emphasis to their ground floors.
5. Whilst the appeal site is not within the boundary of a conservation area, the properties across King Street are within the Queens Road Conservation Area. The significance of the conservation area resides to a substantial degree in the architectural continuity and visual cohesiveness imparted by the scale, massing and materials palette of its constituent buildings.
6. The proposed development is a steel-framed telephone kiosk which features extensive glazing. The kiosk would be open to the pavement, without a door, and is level with the street affording good wheelchair access. The proposed development would be solar powered and be linked to mobile telephone networks.
7. Due to the extent of the glazing employed, its open design and the framing details of the proposed kiosk it would have a lightweight and modern appearance that would not be unlike a bus shelter. Consequently, I consider that its appearance would not be incongruous within the wider commercial environment within which it would sit.
8. In the area of King Street that the proposed development would be sited, I noted that there was a considerable amount of street furniture as befits a commercial centre of this size and nature. In the immediate environs of the appeal site road signs, lamp-posts, a bike rack, traffic lights and bins were all present, as well as two more traditionally designed telephone kiosks. The proposed kiosk would be located close to the edge of the pavement, in a zone where the bulk of the fixed street furniture along this stretch of the road resides. Whilst the kiosk would introduce additional, albeit quite modest development on the street, due to this proposed siting, and combined with the kiosk's functional appearance, it would be readily assimilated into the wider public realm, and as a consequence I consider that it would cause no material harm to the character or appearance of its surroundings.
9. Whilst I note that the Queens Road (Twickenham) Conservation Area 47 document makes reference to the lack of coordination and general poor quality of street furniture, for the reasons given above I consider that the proposed development would not exacerbate this to any material degree. The proposed development would be entirely in keeping with the commercial nature of the High Street and its scale and detailing would not interfere with the architectural character or integrity of the part of the conservation area that would be inter-visible with it. Moreover, as the setting of the listed buildings at 32-36 King Street already includes a considerable amount of modern street furniture, in a commercial environment within which such structures are commonplace, I consider that the proposed kiosk would not cause any harm to their significance.

10. I note concerns about the proposed kiosk being used for advertising, however, any kiosk would have deemed consent to display advertising within certain limits, and a consideration of the effects of these is not before me in this appeal, which focussed on the plans and details submitted with the planning application.
11. Whilst I note that the Twickenham Area Action Plan (adopted July 2013) (the AAP) seeks to remove clutter and signage from King Street, I have found that the siting and appearance of the proposed kiosk would cause no material harm to the character and appearance of its surroundings. It would thus cause no harm to the significance of the conservation area, and would preserve its character and appearance. For these reasons also the proposed development would not materially deplete the setting of the listed buildings at 32-36 King Street, and thus would cause no harm to their significance as buildings of special architectural or historic interest.
12. Consequently, I can discern no conflict with Policies CP7 and CP9 of the Richmond upon Thames Core Strategy (adopted April 2009) (the Core Strategy); or Policy DM DC1 of the Richmond upon Thames Development Management Plan (adopted November 2011) (the DM Plan). Taken together, and amongst other matters, these Policies seek to ensure that new development maintains and improves Twickenham Town Centre's environment and character.

Pedestrian Environment

13. The pavement in the vicinity of the appeal site is of a reasonable width, however, I noticed that it was constrained intermittently to some extent, by street furniture within the zone adjacent to the pavement edge which pushed pedestrian flows close to shop frontages. However, the proposed kiosk would be around 2m from the adjacent buildings at its closest point, and due to its modest proportions, its positioning away from the adjacent telephone boxes and close to the pavement edge, and the open nature of the structure facing towards the shops, I consider that it would not severely impede pedestrian or wheelchair movement in its immediate vicinity and thus would not be of material harm to the convenience or safety of users of the footway.
14. Whilst I note that the AAP expresses concerns about the widths of Twickenham's existing footways the limited scale of the proposed development would cause no material harm to the safety or convenience of pedestrians. Consequently, I discern no conflict with Policy TP6 of the DM Policies which seeks, amongst other things, to ensure that new development avoids adverse impacts to the pedestrian environment.

Other Matters

15. I note comments regarding the number of other telephone kiosks in the environs of the appeal site, and within the town centre more generally. However, paragraph 46 of the National Planning Policy Framework (the Framework) makes it clear that decisions on applications for telecommunications equipment should be made on planning grounds and that decision-takers should not seek to "prevent competition between different operators... [or]... question the need for the telecommunications system". Whilst mindful of this national policy, I am also persuaded that in providing a wheelchair accessible kiosk that the proposed development would meet a clear

need that the adjacent kiosks and those in the surrounding area are not able to cater for. Consequently, I give very limited weight to the presence of other structures in the area in my consideration of this appeal.

16. I note references to on-going efforts to remove street furniture from Twickenham's footways. However, in the immediate environs of the appeal site there is a considerable amount of structures, and consequently the proposed development would neither look out of kilter with a prevailing streetscape, nor exacerbate clutter to a material degree.

Conclusion

17. I am mindful that the Council has supplied a suite of suggested conditions. However, the GPDO does not provide specific authority for me to attach conditions, and thus I am unable to do so in this case. However, the GPDO attaches the following standard condition to development of this nature given in Schedule 2, Part 16 paragraph A.2:
- Development is permitted subject to the condition that any apparatus or structure provided in accordance with that permission is removed from the land, building or structure on which it is situated... as soon as reasonably practicable after it is no longer required for electronic communications purposes, and such land, building or structure is restored to its condition before the development took place, or to any other condition as may be agreed in writing between the local planning authority and the developer.
18. The siting and appearance of the proposed development would not cause harmful effects to either the character or appearance of the streetscene, or to the convenience and safety of the pedestrian environment. Accordingly, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR