
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/16/3158437

Pavement in front of 50 London Road, Twickenham TW1 3RJ

- 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 16/1487/TEL, dated 14 April 2016, was refused by notice dated 8 June 2016.
 - The development proposed is the installation of a public payphone by an electronic communications code systems operator on the highway.
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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 by an electronic communications code systems operator on the highway at land at pavement in front of 50 London Road, Twickenham TW1 3RJ in accordance with the terms of the application Ref 16/1487/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 within 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. Located within a busy and predominantly commercial thoroughfare in the town centre of Twickenham, the appeal site is sited close to the edge of a wide area of pavement. The site is near to the entrance to a supermarket, and to parking bays that are separated from the highway within the curbed edge of the pavement to its south. Amongst other street furniture, planting and structures in the immediate environs of the appeal site there are lamp-posts, street trees, directional signage, a parking meter, two phone boxes close to the wall of the supermarket, bus shelters, benches and bins.
5. The appeal scheme proposes the development of a telephone kiosk at the site. This would be a modestly proportioned steel-framed structure with extensive areas of glazing, open to one side, and level with the pavement allowing good wheelchair accessibility. The proposed kiosk would be solar powered and linked to the mobile telephone network.
6. The proposed kiosk is of a lightweight and modern design, and the extensive glazing employed imparts an impression of airiness. Although of more modest proportions, in overall terms the detailing of the proposal is not unlike the bus shelters immediately inter-visible with the site. Thus, I consider that the proposed development's appearance would not look visually jarring within the wider streetscene.
7. Whilst I saw that other telephone kiosks in the immediate vicinity of the appeal site are located closer to the street's buildings and more or less within the line of the street trees, I saw a considerable number of other structures that are roughly on a line with the appeal site. Whilst the proposed development would add to the amount of structures along the street, it would not do so in an area that was otherwise free from street furniture, and thus its siting would not be incongruous or prominent. Moreover, whilst it would add to the overall amount of street furniture within the vicinity, its lightweight design and modest proportions would not impart a visually cluttered appearance that would be harmful to the character of its surroundings.
8. 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 has focussed on the appearance and siting of the proposed development.
9. These considerations lead me to the conclusion that the siting and appearance of the proposed development would avoid causing material harm to the character and appearance of its surroundings, and thus 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

10. Whilst I note that the Twickenham Area Action Plan (the AAP) highlights generally narrow footways within the town centre as an issue, I saw that in the environs of the appeal site that the pavement was of a reasonable width. I visited the site during a fairly busy lunch time. I observed that pedestrians generally moved through the broad clutter free zone between the line of street trees in front of the buildings and the area of pavement which included the wide variety of street furniture mentioned above. The placement of the proposed kiosk, more or less in line with other elements of street furniture, would allow satisfactory space for the movement of pedestrians and wheelchair users. Accordingly, I find that no significant harm would be caused to the safety and convenience of the pedestrian environment as a result of the proposed kiosk's siting.
11. Although I am aware of concerns regarding the proposed kiosk's adjacency to the kerb edge I saw that it was a considerable distance from both the parking bays and nearby street furniture so as not to constrain vehicular movements, or limit pedestrian or driver visibility to a material degree. Furthermore as the open side of the proposed kiosk would face away from the highway, the ability of wheelchair users to access the telephone would be uninhibited by its siting close to the kerb edge. As a consequence, I can find no harm to highway safety or the pedestrian environment more generally in these regards.
12. Consequently, I find that the proposed kiosk would cause no material harm to the convenience or safety of pedestrians and would thus not conflict with Policy TP6 of the DM Policies which seeks, amongst other matters, to ensure that new development avoids adverse impacts to the pedestrian environment.

Other Matters

13. I note comments with regard to 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 the proposed development would provide a type of structure that could be more conveniently accessed by wheelchair users than the nearest kiosks, and thus would meet a clear need for its users. Consequently, I give very limited weight to the presence of other kiosks in the area in my consideration of this appeal.
14. Although I note the efforts to reduce street clutter in the town centre, in this instance the proposed development would be in zone of the pavement which is already occupied by a number of structures, and would not inhibit pedestrian movement to a degree that would be of detriment to safety or convenience; or introduce development that would be prominent, incongruous or visually harmful to the surrounding streetscape.

Conclusion

15. I am mindful that the Council has supplied a suggested suite of 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.

16. 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 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