

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/16/3158427

Pavement in front of 20 Heath Road, Twickenham TW1 4BZ

- 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 16/1491/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.
-

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 20 Heath Road, Twickenham TW1 4BZ in accordance with the terms of the application Ref 16/1491/TEL, dated 14 April 2016, and the plans submitted with it.

Procedural matter

2. In the banner heading above I have used the description of development given in the appeal form 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). 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.
-

Reasons

Character and appearance

4. Located in a broadly commercial area within the town centre of Twickenham, the appeal site is close to the curb of a pavement of considerable width. The appeal site is close to part of the busy highway marked out as a bus stop, although the bus shelter is at a considerable distance from it. Set within an area of the pavement separated from the footway closer to the shops by a line of street trees, the appeal site is in a zone occupied by street furniture, including a bike rack close by and the aforementioned bus shelter.
5. The appeal scheme would secure the development of a telephone kiosk at the site. This would be a modestly-proportioned steel-framed structure featuring extensive areas of glazing. The kiosk would be open to one side, and would be level with the pavement facilitating access for wheelchair users. The proposed kiosk would be linked to the mobile network and solar powered.
6. The proposed development is modest in scale, of a lightweight and modern design. It would be immediately inter-visible with the bus shelter which is of similar constructional detailing, and thus it would assimilate easily into its immediate commercial environs and would not read as an incongruous or visually jarring structure. As a result, I detect no material harm to the character or appearance of the streetscene would be caused as a result of the proposed kiosk's appearance.
7. The proposed kiosk would be located in a zone of the pavement within which other structures are not uncommon. It would thus not look unusually prominent or visually jarring, or undermine the spacious character and setback of the streetscene at this point to any material degree. Whilst it would undoubtedly increase the amount of structures along within the area, due to its limited scale and lightweight detailing it would not do this to a degree that imparted a cluttered appearance that would be harmful to the character of the streetscene. Consequently, I consider that the siting of the proposed development would cause no harmful effects to the character or appearance of the streetscene.
8. I have been supplied with a plan of the Queens Road Conservation Area. The appeal site is clearly outside of the boundary of the conservation area. The proposed development's minimal scale, combined with the distance of the appeal site from the boundary, and the presence of other structures within the immediate streetscene, lead me to the view that the significance of the conservation area would not be harmed by the proposed development.
9. 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.
10. Accordingly, these considerations lead me to the view that the siting and appearance of the proposed kiosk would avoid causing material harm to the character and appearance of the streetscene. I can thus 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

11. I am aware that the Twickenham Area Action Plan identifies narrow footway widths as an issue within the town centre more generally. However, in the environs of the appeal site I saw that the pavement was of considerable width. I visited the site during a reasonably busy lunchtime. I observed that the bulk of pedestrian flow occurred between the shop fronts and the line of trees, with markedly less footfall within the area of pavement within which the appeal site sits. The siting of the proposed kiosk would be more or less in line with other structures in the pavement beyond the tree line. Consequently, I consider that the proposed development would not inhibit convenient and safe movement along the pavement for wheelchair users and pedestrians. As there would be considerable separation distance between the proposed kiosk and other pavement structures I consider that it would not severely inhibit the ability of people to board or alight from buses.
12. Consequently, I find that the siting of the proposed kiosk would cause no material harm to the safety and convenience 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 that the siting of the proposed kiosk could have an effect on the business to its rear. However, I have found that its siting would not have a negative impact on pedestrian flows through the area. Moreover, the modest proportions and detailing of the proposed development would allow sufficient views through to the shop front from a number of viewpoints. Consequently, it has not been established that the siting of the proposed kiosk would have materially harmful effects in this regard.
14. 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.
15. 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

16. 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.

17. 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