
Appeal Decision

Site visit made on 16 February 2017

by Elaine Gray MA(Hons) MSc IHBC

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

Decision date: 03 March 2017

Appeal Ref: APP/K5600/W/16/3164222
61 Notting Hill Gate, London W11 3JS

- 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 Paul UK against the decision of the Council of The Royal Borough of Kensington & Chelsea.
 - The application Ref PP/16/04774, dated 15 July 2016, was refused by notice dated 20 September 2016.
 - The development proposed is 2 tables and 4 chairs and an 'A' board to pavement to front of unit.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the flow and safety of pedestrians using the pavement.

Reasons

3. The appeal site comprises an area of pavement outside the café premises at 61 Notting Hill Gate. I note that an 'A' board is included in the proposal, and I agree with the Council that this element is acceptable. The Council's document entitled 'Transport and Streets Supplementary Planning Document' (SPD, April 2016) identifies Notting Hill Gate as a primary shopping frontage, and categorises the footway as 'busy'. The minimum clear footway width requirement in such a location is 4m.
 4. The application plan shows the proposed two tables and four chairs positioned immediately to the right of the café door, as one faces the shopfront. According to the plan, they would occupy an area of approximately 1.6m in width, and projecting around 1.7m from the shopfront. No 61 is located close to the stepped entrance to the Notting Hill Gate underground station, which also serves an access to the subway. A distance of approximately 4.165m is shown between the seating area and the edge of the underground entrance, and a distance of 6.69m between the seating area and the outer edge of the pavement. To that extent, the proposal would meet the stated minimum policy requirements.
 5. However, the SPD clearly states that where pedestrian activity is particularly heavy, such as outside tube stations or adjacent to pedestrian crossings, additional clear footway width may be required. This area of Notting Hill Gate
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is a busy thoroughfare, and I noted a steady stream of pedestrians on my mid-morning site visit. I have also had regard to drawing 2504-P-07 Rev L, which shows the additional constraints of recycling bins and a tree close to the edge of the road.

6. The drawings show the tables and chairs tucked in neatly within the designated space, but I am concerned that this would not remain the case in practice. The seating area would be tight, with the café door immediately to the left, and the angled shopfront of the adjacent premises to the right. It is highly likely that patrons would seek to move the tables and chairs outwards in order to achieve a more comfortable, spacious seating arrangement. Furthermore, there would be little room for staff servicing the tables.
7. Taking these circumstances into account, I would expect the positioning of the tables and chairs and their use by customers with servicing to regularly encroach onto the pavement to a significantly greater degree than is shown on the plans. I consider that the constriction of the heavily used thoroughfare would inhibit pedestrian flow and could lead to people tripping over obstructions, which would be harmful to their safety. This situation would be especially detrimental to the disabled, elderly and infirm, especially those in wheelchairs, and to those passing with children, and with pushchairs, buggies or prams.
8. I agree that pavement seating adds to the vitality of the street scene, and I saw that the parade contains a number of other cafes with outdoor seating. However, in those cases, the tables and chairs were positioned flush against the shop windows, thus minimising their projection into the pavement area.
9. The appellant states that pedestrian desires lines in the area would fall outside the appeal site, but I disagree. On my visit, I observed that patrons walking towards the 'Paul' coffee shop from the west approached the premises by following the line of the neighbouring shopfront, thus taking the most direct line which passes across the appeal site. The development would hinder this desire line for customers, causing them to move further out onto the pavement to walk around the tables and chairs. I accept the photographs submitted by the appellant showing people waiting in this area, but I did not observe such activity on my visit, and I can afford only limited weight to this evidence.
10. I conclude that the proposal would have an unacceptably harmful effect on the flow and safety of pedestrians using the pavement. It would thus conflict with Policy CR3 of the Royal Borough of Kensington & Chelsea Consolidated Local Plan (CLP, July 2015), which amongst other things, requires proposals for tables and chairs on the highway to maintain the primary function as public footway allowing for the free, safe and secure passage of pedestrians. It would also conflict with CLP Policy CT1, insofar as it seeks to ensure that development does not reduce access to, or the attractiveness of, existing footways and footpaths used by the public. It would further conflict with the NPPF, which seeks to ensure safe and secure layouts and avoid street clutter.
11. For the reasons above, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Elaine Gray

INSPECTOR