The Planning Inspectorate

Appeal Decision

Site visit made on 3 July 2017

by Richard S Jones BA (Hons) BTP MRTPI

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

Decision date: 18 August 2017

Appeal Ref: APP/P4605/W/17/3174119
The Priory Queensway, Birmingham B4 7LA

- 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 Nathan Still, Infocus Public Networks Ltd, against the decision of Birmingham City Council.
- The application Ref 2017/00332/PA, dated 13 January 2017, was refused by notice dated 6 March 2017.
- The development proposed is the installation of a freestanding payphone kiosk on the pavement.

Decision

1. The appeal is dismissed.

Preliminary Matters and Main Issues

2. In the interests of clarity, I have taken the description of the development in the heading above from the appeal form.

3. The application and appeal documents make reference to the Town and Country Planning (General Permitted Development) Order 1995. However, by the time of making the application this Order had been superseded by the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). Part 24 has effectively been replaced by Part 16.

4. The proposal is for a payphone kiosk that was refused prior approval under Schedule 2, Part 16 of the 2015 GPDO. The principle of this type of development is already established by the Order and it is only the effects of siting and appearance which are to be considered in this appeal.

5. The main issues are therefore the effects of the siting and appearance of the proposed kiosk on the character and appearance of the area and on pedestrian movements.

Reasons

Character and appearance

6. The appeal site is located in the footway on the northern side of The Priory Queensway, close to its corner with Corporation Street, in Birmingham City Centre. The site also falls within the Steelhouse Conservation Area, which is defined by the quality of its architecture and townscape. However, the

immediate context of the appeal site is predominantly modern commercial buildings of significant scale.

7. The Council's Big City Plan, sets out its vision of how the City Centre will be improved and seeks to ensure that the major improvements are matched by an outstanding pedestrian environment. One of the "Big Ideas" is the creation of more attractive, distinctive streets and places within the city centre. To deliver the Big City Plan's ambitions, a programme of public realm improvements is being developed, including that set out in the Snow Hill Masterplan, which seeks to deliver radical enhancements to the public environment. This part of The Priory Queensway is identified in the Plan as an 'improved walking route'.

8. The proposed kiosk would be positioned in a wide and relatively attractive area of public realm, which already accommodates a number of items of street furniture, including, public benches, bins, cycle stands, utility cabinet, lighting and planting columns, railings and street trees. The Character Appraisal and Supplementary Planning Policies for the Conservation Area highlights the clutter of street furniture detracts from the character and interest of the Conservation Area and that standard designs are sited without reference to the surrounding buildings or the context of the wider street scene, disrupting the visual unity of the streetscape and obscuring views. I agree.

9. The proposed kiosk would be mainly glazed with a black painted steel frame and canopy. It would be larger than a typical payphone kiosk and would have an open side to allow easier disabled access. Although therefore relatively lightweight in its appearance, it would be prominently sited well forward of the building line in an isolated location within the public realm. In combination with other items of street furniture and signage, the kiosk would materially add to the relatively high level of visual and physical clutter and undermine the quality of the street scene in this location.

10. I therefore conclude that the siting and appearance of the proposed kiosk would be harmful to the character and appearance of the area and the Steelhouse Conservation Area. This would be contrary to Policies PG3 and TP12 of the Birmingham Development Plan (BDP), the Steelhouse Conservation Area Character Appraisal and Supplementary Planning Policies and paragraph 132 of the National Planning Policy Framework (the Framework). These state, amongst other things, that great weight will be given to the conservation of the City's heritage assets.

11. In the context of paragraph 134 of the Framework I would categorise the level of harm as less than substantial and as such should be weighed against any public benefits associated with the development. In this regard, the Framework indicates that communications infrastructure is essential for sustainable economic growth and also plays a vital role in enhancing the provision of local community facilities and services. Although I recognise that the proposed kiosk would make a positive contribution to these aims through the provision of a wheelchair accessible payphone service, this does not outweigh the harm that I have identified above.

12. The harm I have found to the character and appearance of the area would also be contrary to BDP Policies GA1.1 and GA1.4 as well as undermining the aspirations of the Council's Big City Plan and Snow Hill Masterplan. These seek, amongst other maters, to continue to promote the City Centre as the

focus for retail, office, residential and leisure activity within the context of the wider aspiration to provide a high quality environment and visitor experience.

Pedestrian movements

13. On the basis that the existing Morris column is removed, the proposal would add to the number of physical structures in the public realm. However, given the footprint of the kiosk relative to the wide pavement area in this in this location, the proposal would not materially impede pedestrian flows or wheelchair movement in its immediate vicinity.

14. I have noted the Council's concern relating to the appellant's reference to the site being chosen in accordance with criteria set out in Transport for London's adopted standards and best practice on footpath accessibility. Whilst I recognise that there will be many similar issues and principles which apply, the standards relate to a different location and are not adopted by Birmingham City Council. I have therefore given limited weight to this assertion made by the appellant.

15. Nevertheless, I have not found that the proposal would materially increase barriers to pedestrian movement and as such would find conflict with BDP Policy TP39, insofar as this policy seeks the provision safe walking environments.

Conclusion

16. Whilst I have not found that the proposal would create an unacceptable barrier to pedestrian movements, I have found that the siting and appearance of the kiosk would be harmful to the character and appearance of the area and to the Steelhouse Conservation Area. For these reasons, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR