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: 08 September 2017

Appeal Ref: APP/P4605/W/17/3172491
Junction of Hill Street and Navigation Street, City Centre, Birmingham B5 4AH

- 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 2017/00335/PA, dated 13 January 2017, was refused by notice dated 7 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 address and 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 However, by the time of making the application this Order had been superseded by the Town and Country Planning (General Permitted Development) (England) Order 2015 (the 2015 GPDO). Part 24 has effectively been replaced by Part 16.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 the 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 forms part of the pavement along Hill Street, close to the junction with Navigation Street, within Birmingham city centre. 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.

7. The character in and around the appeal site is that of a modern, busy, central location, surrounded by commercial buildings of varying size and design. Therefore, taken in isolation, the appearance of the kiosk would not appear particularly out of place within a central urban street scene such as this.

8. However, the Council's Big City Plan sets out the vision of how the City Centre will be improved and seeks to ensure that the major improvements are matched by an outstanding pedestrian environment. Within the Plan, Hill Street is identified as a primary walking route where improvements to the public realm are to be targeted. One of the "Big Ideas" is the creation of more attractive, distinctive streets and places within the city centre. The Big City Plan City Centre Retail Strategy highlights that a quality, clutter free environment will be essential.

9. Although relatively lightweight in its appearance, the kiosk would be prominently sited well forward of the building line in an isolated location within the public realm. There is already some visual clutter in the area of the appeal site, arising from the siting of large number of bollards as well as street lighting columns, traffic signals and a bin. The proposal would also be seen from a number of approaching views in combination with the significant level of visual clutter on the opposite side of Hill Street arising from the street lighting, traffic signals, bins, wayfinding, bollards, street signage, CCTV, public art and an existing traditional payphone kiosk. In my view, the kiosk would not especially complement the design of the existing street furniture.

10. There is also a disused advertisement panel in this position at present, which the Council say was due to be removed by the end of March this year. If this were to be removed and subsequently replaced by the proposed kiosk, this would be counterproductive to the Council's aspirations of achieving improvements to the public realm in this primary walking route. It would also materially add to the degree of visual and physical clutter, to the detriment of the street scene.

11. I therefore conclude on this main issue that the siting and appearance of the proposed kiosk would cause unacceptable harm to the character and appearance of the area, contrary to BDP Policies GA1.1 and GA1.4, as well as undermining the aspirations of the Council's Big City Plan and City Centre Retail Strategy. These seek, amongst other things, 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. The proposal would also conflict with BDP Policy TP39 insofar as it seeks to promote the provision of pleasant walking environments.

12. The appeal site is also situated to the east of Birmingham New Street Signal Box, which is a grade ll listed building dating from 1964. This is a dramatic flat roof building with triangular profile horizontal pre-cast concrete cladding and a strong sculptural form. It presents four storeys at street level and five storeys to the railway track level. However, given the separation to the appeal proposal and the extent of intervening features, the proposal would have no material effect on how this listed building is experienced and thus would preserve its setting.

13. I do not therefore find conflict with Policies PG3 or TP12 of the Birmingham Development Plan (BDP) or paragraph 132 of the National Planning Policy Framework (the Framework), insofar as these policies state that great weight will be given to the conservation of the City's heritage assets.

Pedestrian movements

14. The kiosk would be positioned on the outer edge of the pavement where there is an existing advertisement panel, which I understand is to be removed in due course. In the meantime, whilst I appreciate that this is a busy walking route to New Street Station and the Metro tram line, I have no substantive evidence that the advertisement panel has created an undue barrier to pedestrian movements.

15. On the basis that the existing Morris Column is removed, the proposal would reinstate the extent of physical barriers to pedestrian movements in this area of footway. However, in my view the proposal would leave sufficient room between it and the back edge of the footway such that it would not significantly impede pedestrian or wheelchair movement in its immediate vicinity. Thus it would not cause material harm to the convenience or safety of users of the footway.

16. 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 by the appellant.

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

Other matters

18. Part 5 of the National Planning Policy 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. Whilst in this regard 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.

Conclusion

19. Whilst I have not found that the proposal would create an unacceptable barrier to pedestrian movements or harm to the setting of the New Street Signal Box listed building, I have found that the siting and appearance of the kiosk would be harmful to the character and appearance of the area. For this reason, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR