
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/17/3172496

Outside Colmore Building, 20 Colmore Circus Queensway, City Centre, Birmingham B4 6AT

- 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 2017/00337/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.
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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 However, by the time of making the application this Order had been superseded by the Town and Country Planning (General Permitted Development) (England) Order 2015 (the 2015 GPDO). Part 24 has effectively been replaced by Part 16.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 outside Colmore Building in the commercial centre of Birmingham. 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 significant scale. Taken in isolation, the appearance of the kiosk would not appear particularly out of place within a central urban street scene such as this. However, 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 Colmore Circus Queensway is identified in the Plan as an 'improved walking route', which seeks, in part, to form attractive settings for new development.
8. There is already a significant amount of visual clutter at pavement level, in the area of the appeal site arising from the extent of street furniture and fixtures, including bollards, pedestrian barriers, bins, street lighting, road signage, bus shelter a pelican crossing. There is also a disused advertisement panel closer to the inside of the footway which the Council say was due to be removed by the end of March this year. Whilst some of these items of street furniture are also finished in black, their embellished design would bear little resemblance or visual relationship to the modern and functional design of the kiosk. In any case, the kiosk would also be seen in conjunction with the elevated section of public realm at the back of the footway, which has contrasting stainless steel fixtures, including handrails, seats and barriers and high quality surfacing.
9. Although the kiosk would be relatively lightweight in its appearance, it would occupy a prominent and intrusive position close to the outer edge of the footway and well forward of the surrounding building line. 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. Moreover, if the existing advertisement panel 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 'improved walking route'.
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 that this would 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 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.

Pedestrian movements

11. The kiosk would be positioned towards the outer edge of the pavement where there is an existing advertisement panel. On the basis that this panel is removed, the proposal would reinstate the existing extent of physical barriers to pedestrian movement along the footway. However, the footway is relatively wide at this point and sufficient room would remain between it and the foot of the steps at 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.

12. 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.
13. 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

14. 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. Although 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

15. 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. For this reason, and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Richard S Jones

INSPECTOR