
Appeal Decision

Site visit made on 9 October 2017

by Alexander Walker MPlan MRTPI

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

Decision date: 7th November 2017

Appeal Ref: APP/N4720/W/17/3179063
O/S 54 Albion Street, Leeds LS1 6AD

- 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 on behalf of Infocus Public Networks Ltd against the decision of Leeds City Council.
 - The application Ref 17/01868/DTM, dated 22 March 2017, was refused by notice dated 12 May 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.

Procedural Matter

2. I have taken the description of the development as set out in the appeal form as this is a more accurate description than that on the application form.

Preliminary Matter

3. The proposal is for a payphone kiosk that was refused prior approval under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended). 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.

Main Issues

4. The main issue is the effect of the proposal on the character and appearance of the area, including the setting of a grade II listed building and whether it preserves or enhances the character or appearance of the Central Area – Leeds City Centre Conservation Area; and, its effect on highway safety.

Reasons

Character and Appearance

5. The proposed kiosk would be located close to the corner of Albion Place and Albion Street within proximity of Nos 48 – 54 Albion Street, which are grade II listed buildings, and the Central Area – Leeds City Centre Conservation Area (the CA).

6. This section of the CA comprises numerous period properties, which generally line the eastern side of the street. The western side comprises modern buildings. The contrast between the simple modern architecture of the western side, which has large expanses of glazing, and the more classical proportions of the period properties on the eastern side makes a positive contribution to the character and appearance of the area. This contrast is replicated in the ground floor shop frontages. The eastern side having traditional frontages with fascias and windows being of a uniform size. Whilst the western side frontages are also uniform, they are of a modern design.
7. The proposed kiosk would have a footprint of approximately 1.1m x 1.3m and a height of approximately 2.6m. It would have a black steel frame and clear polycarbonate toughened glass panels. One of the sides would be fully open and another half open to enable wheelchair access. As a result of its design, with simple framing and clear glass panels, the kiosk would have a lightweight appearance.
8. No 48 Albion Street dates back to the mid-19th century and is a richly modelled Venetian palazzo style building. The property is located on the corner of Albion Street and Commercial Street. The kiosk would be some distance from this listed building. Whilst they would both be apparent in the same views along Albion Street, there would be sufficient distance between them to ensure that the kiosk would not have a harmful effect on the setting of this listed building.
9. No 54 Albion Street forms part of a substantial grade II listed building. It is a four-storey building in the Baroque style with fine elevational detailing. Its corner plot location and its size make it a prominent feature in the streetscape.
10. The kiosk would sit directly in front of No 54. As a result of its proximity to the corner of the road, it would appear prominent in the street. Whilst its design is light weight, it is nevertheless contemporary and would markedly contrast with the traditional design of the building. Moreover, its position in front of the listed building and its proximity to it would disrupt the rhythm and uniformity of the traditional ground floor shop frontages, which are an important feature of the building and make an important positive contribution to the streetscene and the overall CA.
11. I find therefore that the proposal would represent a disruptive and incongruous addition to the streetscene that would significantly harm the character and appearance of the CA and the setting of the grade II listed building, thus harming the visual amenity of the area. As such, it would conflict with saved Policy GP5 of the Leeds Unitary Development Plan Review (UDP) 2006 and Policies P10 and P11 of the Leeds Core Strategy (CS) 2014 which, amongst other matters, seek to ensure that development is of an appropriate design and ensure that the historic environment is conserved and enhanced. In addition, it would also fail to accord with the design objectives of the National Planning Policy Framework (the Framework).

Highway Safety

12. The appeal site lies within a wide pedestrianised area. This stretch of the street has little street furniture, mainly limited to removable bollards and street signage.

13. The kiosk would be sited to the eastern side of the street, leaving a space of approximately 2.74m between the kiosk and the building to the east and a space of approximately 7.19m with the buildings to the west.
14. The Council state that there should be a minimum space of 3m. However, whilst the east side would be less than this, there is more than adequate space on the west side to accommodate pedestrian movements even during particularly busy periods such as when events are held.
15. I note that the kiosk would be adjacent to the removable bollards and would restrict access through at least two of these. However, there is no indication as to what access is required through the bollards or the minimum distances required for service and delivery vehicles that may need access. Nevertheless, based on the observations I made on site, there would appear to be sufficient distance for such vehicles to gain access with the kiosk in place.
16. The Council also confirm that the site is located within a draft Civic Space (Green Space). Policy SP3 of the CS seeks to enhance streets and create a network of open and green spaces to make the City Centre more attractive, family friendly and easier for people to use and in consolidating and enhancing sense of place. Furthermore, Policy G6 of the CS seeks to improve existing green space quality. I accept that the proposal would not enhance the street or improve the green space. However, notwithstanding the effect of the proposal on the listed building and the CA, I do not consider that it would materially harm the Civic Space.
17. Based on the evidence before me and the observations I made during my site visit, I find that the kiosk would not cause any significant harm to highway safety. As such, it would comply with saved Policy GP5 of the Leeds Unitary Development Plan Review (UDP) 2006, which, amongst other matters, seeks to avoid problems of environmental intrusion, loss of amenity, pollution, danger to health or life, and highway congestion, to maximise highway safety. It would also comply with Policies SP3, G6 and T2 of the CS, which seeks to ensure that there is adequate provision for access from the highway network, by public transport and for cyclists, pedestrian and people with impaired mobility, which will not create or materially add to problems of safety, environment or efficiency of the highway network. It would also accord with the design objectives of the Framework.

Other Matters

18. The Council have presented me with their Design Guide: Quality Public Realm in relation to Street Design – Liveable Streets – Streets for All People seeks to minimise street clutter to provide an integrated, easily navigated and simple space. However, the status of this document and its relationship to the development plan is not before me and therefore I can only attribute it limited weight.
19. I have had regard to the concerns raised by the Leeds Civic Trust regarding need, vandalism and the motives of the applicant. However, the Order sets out that the only matters for consideration are siting and appearance. Accordingly, these matters have not had any bearing on my assessment of the appeal.

Conclusion

20. Whilst the proposal would not significantly harm highway safety, this is a neutral effect and does not outweigh the harm it would have on the visual amenity of the area.
21. For the reasons given above, having regard to all matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR