
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/17/3179070
O/S 20 The Headrow, Leeds LS1 6PT

- 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 17/01872/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 Issue

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 highway safety.

Reasons

Conservation Area

5. The proposed kiosk would be located within proximity of 20 Headrow, which forms part of a grade II listed building, and the Central Area – Leeds City Centre Conservation Area (the CA).

6. The CA comprises numerous period periods. Although properties within the vicinity of the appeal site vary in their design and style, they have a high degree of architectural detailing which collectively creates a very attractive period streetscene. Existing street furniture in the vicinity is limited although there are three existing telephone kiosks within a short distance of the appeal site.
7. The listed building is a substantial, four-storey, early to mid-20th century retail and office building. The façade of the building is largely unaltered with classical window proportions and detailing. The substantial size of the building and its attractive detailing results in it dominating this side of The Headrow and as a result it makes an important contribution to the overall character and appearance of the CA.
8. 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.
9. Due to its size and design, the kiosk would appear subservient to the adjacent building. However, it would be in close proximity of the three existing telephone kiosks to the west, which are also adjacent to the building. Cumulatively the kiosks would represent visual clutter that would extend across a large portion of the listed building's frontage. This clutter would draw the eye away from the impressive façade of the building and erode its prominence within the streetscene. Consequently, it would detract from the setting of the listed building and overall character and appearance of the CA.
10. 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 Framework.

Highway Safety

11. The plans submitted with the application indicate that the kiosk would be approximately 0.6m from the kerb, leaving a space of approximately 2.9m between the kiosk and the elevation of the adjacent building. The Council dispute this, stating that this distance would be approximately 2.3m. However, there is no evidence presented to me to justify this assertion. Accordingly, I have determined the appeal on the basis of the information contained within the submitted plans.
12. From the observations I made during my site visit, the remaining width of pavement appears to be similar to the width of pavement between the nearby existing telephone kiosks and the adjacent building. The Council states that the remaining pavement should be a minimum 3m wide to allow pedestrians to pass. The remaining pavement would be less than 3m wide. However, as it

would be only marginally so and only for a short stretch of the pavement I do not consider that the kiosk would represent any significant harm to pedestrian safety or the free-flow of pedestrians.

13. 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 UDP, 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 Policy 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. Furthermore, it would comply with the design objectives of the Framework.

Other Matters

14. 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.
15. 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

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

Alexander Walker

INSPECTOR