
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/17/3179067
O/S 13 Commercial Street, Leeds LS1 6AL

- 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 17/01869/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 allowed and approval is granted under the provisions of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) England Order 2015 (as amended) for the installation of a freestanding payphone kiosk on the pavement at land at O/S 13 Commercial Street, Leeds LS1 6AL in accordance with the terms of the application Ref 17/01869/DTM, dated 22 March 2017, and the plans submitted with it.

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 highway safety and 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.

Reasons

Highway Safety

5. The appeal site lies within a wide pedestrianised area which has a number of public seats as well as tables and chairs associated with the nearby café/restaurant, Pret Manger. The public seating is located east of the centre of the street, resulting in the west side being the wider part. The kiosk would be sited within the narrower, eastern part of the street.
6. The kiosk would be positioned approximately 0.9m from the elevation of the adjacent building. Whilst it would be within the pedestrianised area, given the overall width of the area there would be sufficient space between the kiosk and the nearby benches for pedestrians to safely circumnavigate the kiosk without significantly reducing the free flow of pedestrian movements.
7. I noted during my site visit, which was at midday, that the outdoor seating area outside Pret Manger reduces the width of the pedestrianised area more than the proposal would. However, this did not seem to have any significantly harmful effect on pedestrian movements and there is no evidence to indicate otherwise.
8. I have also had regard to the effect of the kiosk on tapping lines for the visually impaired. Whilst I accept that the kiosk could provide an inconvenience in this regard, I do not consider that it represents a risk to highway safety.
9. The Council confirm that the site is located within a draft Civic Space (Green Space). Policy SP3 of the Leeds Core Strategy (CS) 2014 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. Whilst I accept that the proposal would not enhance the street or improve the green space, neither would it result in any material harm to them. Therefore, its overall effect would be neutral.
10. 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 National Planning Policy Framework (the Framework).

Character and Appearance

11. The proposed kiosk would be located within proximity of Nos 8-9 Commercial Street/2-4 Lands Lane – a grade II listed building, and the Central Area – Leeds City Centre Conservation Area (the CA).
12. 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 generally modest in size and simple in design, respecting the character and appearance of the CA.

13. The listed building is a three-storey with attic early 20th century Free Classical style building. The façade of the upper floors is largely unaltered with intricate terracotta moulded detailing. In contrast to the upper floors, the ground floor has been significantly altered and comprises shop fronts which are of a modern design with the only apparent reference to the upper floor detailing being some of the original upright divisions. The architectural significance of the grade II listed building makes an important contribution to the overall character and appearance of the CA.
14. 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 appear lightweight.
15. Whilst the kiosk would be positioned within proximity of the listed building, it would be read against the backdrop of the adjacent modern ground floor shop frontages. Views of the original uprights would be restricted from some angles. However, I do not find that this would have a harmful effect on the setting of the building.
16. The kiosk would be close to the eastern edge of the pedestrianised area and would not appear prominent, particularly as it would be sat next to the three-storey building. As a result, it would not unacceptably interrupt views along the street. Overall, I find that it would have a neutral effect, and therefore preserve the character and appearance of the CA.
17. I find therefore that the proposal would not harm the character and appearance of the CA or the setting of the grade II listed building, thus preserving the visual amenity of the area. As such, it would comply with saved Policy GP5 of the UDP and Policies P10 and P11 of the CS 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 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. I have found that the proposal would not have any significant harm on highway safety or the character and appearance of the area and therefore I find no conflict with the development plan.

Conclusion

19. For the reasons given above, I find that the proposal is permitted development under Part 16 of the GPDO and as such, having considered all matters raised, the appeal is allowed and approval granted.

Alexander Walker

INSPECTOR