
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: 8th November 2017

Appeal Ref: APP/N4720/W/17/3179074
O/S 27 East Parade, Leeds LS1 5BN

- 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 17/01876/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 highway safety and the character and appearance of the area, including the setting of grade II listed buildings and whether it preserves or enhances the character or appearance of the Central Area – Leeds City Centre Conservation Area.

Reasons

Highway Safety

5. The proposed kiosk would be situated on the pavement, near to the junction of East Parade and Greek Street. The submitted plans indicate that the kiosk would be approximately 0.5m from the kerb. The plans do not indicate the distance it would be from the adjacent building, No 27 East Parade. The

Council confirm that it would be 2m from the building. There is no evidence to indicate otherwise and therefore I have determined the appeal on this basis.

6. The site is within a busy part of the city. During my site visit at midday on a weekday I observed a large number of people using this stretch of the pavement. The Council state that the proposal would fail to meet the minimum footway distance of 3m. However, there is no evidence before me of where this minimum distance derives from in either local or national policy. Nevertheless, in this instance, given the high amount of pedestrian activity in the locality, the reduction in the pavement width to 2m would likely result in a conflict with pedestrians and a significant reduction in the free-flow of pedestrian traffic.
7. Furthermore, during particularly busy periods, the narrow pavement could encourage pedestrians to circumnavigate the kiosk on the west side resulting in them potentially stepping into the road. Consequently, it would represent a significant risk to the safety of pedestrians.
8. I find therefore that the proposal would have a significantly harmful effect on highway safety. As such, it would fail to 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. In addition, it would also fail to comply with Policy T2 of the Leeds Core Strategy (CS) 2014, 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 fail to accord with the design objectives of the National Planning Policy Framework (the Framework).

Character and Appearance

9. The proposed kiosk would be located within proximity of two grade II listed buildings – No 9 East Parade and Nos 10-11 East Parade - and the Central Area – Leeds City Centre Conservation Area (the CA).
10. The CA comprises numerous period periods. Properties within the vicinity of the appeal site vary in their design and style. Along this stretch of East Parade the eastside of the road comprises modern buildings whereas the west side comprises period properties that have a high degree of architectural detailing, including the two listed buildings. The existing street furniture within the vicinity of the appeal site is limited to lamp posts and signs. There is also some outdoor seating along Greek Street. Overall, the composition of the modern and period properties creates an attractive streetscene.
11. 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.
12. Whilst its modern design would sit at odds with the period properties on the opposite side of the road, it would be in keeping with the modern building that

it would be adjacent to. Its separation from the listed buildings would ensure that it does not detract from their setting. Furthermore, its glass panel design would reduce its overall visual mass, ensuring that it does not appear as an overly bulky addition or an unduly prominent feature in the streetscene.

13. I note the Council's concerns that it would create visual clutter. However, as there is limited street furniture within the locality I do not consider that it would amount to an unacceptable degree of clutter. The Council have presented me with their Design Guide: Quality Public Realm in relation to Street Design – Liveable Streets – Streets for All People, which seeks to minimise street clutter to provide an integrated, easily navigated and simple space. However, the status of this document and its relationship with the development plan is not before me and therefore I can only attribute it limited weight.
14. I find therefore that the proposal would not harm the character and appearance of the CA or the setting of the grade II listed buildings, 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. Furthermore, it would also accord with the design objectives of the Framework.

Other Matters

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 the character and appearance of the area, this is a neutral effect and does not outweigh the harm it would have on highway safety.
17. For the above reasons, having regard to all other matters raised, the appeal is dismissed.

Alexander Walker

INSPECTOR