The Planning Inspectorate

Appeal Decision

Site visit made on 25 October 2017

by G Rollings BA(Hons) MA(UD) MRTPI

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

Decision date: 15th November 2017.

Appeal Ref: APP/L5810/W/17/3179158
Pavement between 38-40 King Street, Twickenham, TW1 3SH

- 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, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
- The appeal is made by Mr Tom Fisher (Euro Payphone Limited) against the decision of the Council of the London Borough of Richmond-upon-Thames.
- The application Ref 17/0819/TEL, dated 1 March 2017, was refused by notice dated 2 May 2017.
- The development proposed is the installation of a telephone kiosk.

Decision

1. The appeal is dismissed.

Background and Main Issues

2. The provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (GDPO) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received and provided that the apparatus is within the limits set out within the GDPO. My determination of this appeal has been made in the same manner.

3. Accordingly, the main issues are whether the proposed works are permitted development for which prior approval can be granted, and if so, whether they would raise any concerns in terms of their transportation and highways impact

Reasons

4. The proposed kiosk is a freestanding structure that would be glazed on two sides and partially on a third, with the remaining space open to the pavement. It would be sited adjacent to the kerb of the carriageway, with clearance allowing pedestrian movement between the kiosk and the adjacent buildings on the north-western side of the high street.

5. I am satisfied that the proposed kiosk is within the technical limitations set out within the GDPO, and this issue has not been challenged by the Council. I therefore conclude on the first main issue that the proposal complies with the relevant limitations set out in the GPDO and so would be permitted development if prior approval were to be granted.

6. Turning now to the second issue, the appeal site is on a busy high street with a large volume of pedestrian and road traffic passing the site during my visit. The pavement widens in the vicinity of the site, and there is some existing low-rise street furniture adjacent. I observed that in avoiding these, pedestrians tended to walk closer to the building-edge of the pavement. Given that the kiosk's road-edge siting would be similar to the existing furniture, and would also have a similar width, sufficient pavement width would be maintained and any negative impact on movement and access would be insignificant.

7. I have noted the appellant's comments regarding the proposed development's design. Nonetheless, the appeal site has a high degree of visibility. The high street is curved in this location, which enables views to and through the site. This curvature, in conjunction with the street's width, gives the location a particularly open character when compared with other parts of the high street. The kiosk would be taller and bulkier than the street furniture, which would mean that it be particularly noticeable within this open context, and therefore prominent in these views.

8. Other locations on the high street are less open or have more restricted views; for example, the opposite side of the street has a greater provision of street furniture, including more than one existing telephone kiosk. I appreciate that the recent allowed appeal[1] for a kiosk in that location has many similarities to the case before me, but the south-eastern side of the high street is more sheltered with more restricted views than the appeal site. The appellant has submitted examples of allowed development in support of the proposal, and although I have taken these into account, the particular circumstances of this location mean that bespoke consideration is required.

9. The prominence of the kiosk would cause it to appear obtrusive, and it would be inappropriate in this location, which is also a Conservation Area and close to a grade-II listed building. I therefore conclude that the proposed development would have a detrimental effect on the area, with reference to its siting and appearance. As such, I cannot grant prior approval. The proposal would also be in conflict with the adopted development plan for the area, which incorporates *Core Strategy* (2009) Policies CP7 and CP9, *Development Management Plan* (2011) Policies DM DC 1 and DM TP 6, and the *Twickenham Area Action Plan* (2013), to which I have had regard. These policies are generally consistent with the *National Planning Policy Framework*.

Conclusion

10. For the reasons stated above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

G Rollings

INSPECTOR

[1] Appeal ref: APP/L5810/W/16/3158490; date of decision: 20 December 2016.