
Appeal Decision

Site visit made on 8 November 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 17 November 2017

Appeal Ref: APP/L5810/W/17/3179422

Outside Tesco Express, 2-8 Kew Gardens Station, Kew, Richmond TW9 3PZ

- 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 Nathan Still, Infocus Public Networks Ltd, against the decision of the Council of the London Borough of Richmond-upon-Thames.
 - The application Ref 17/1349/TEL, dated 5 April 2017, was refused by notice dated 26 May 2017.
 - The development proposed is the installation of a freestanding payphone kiosk on the pavement.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of development from the appeal form which adequately describes the proposal.

Main Issues

3. The main issues are the effect of the development on i) heritage assets, namely the character and appearance of the Kew Gardens Conservation Area (CA) and the setting of nearby Buildings of Townscape Merit and ii) pedestrian accessibility along the highway.

Reasons

Character and Appearance

4. The appeal site is situated on Station Parade, a short road leading to Kew Gardens Station. Station Parade features two terraces of predominantly three storey properties on opposite sides of the street, that are constructed in brick. The terraces, though offset from one another, appear similar in height and have relatively uniform forward building lines with shops and cafes at ground floor level and the repetition of projecting bay windows with decorative heads and sills at upper floor levels. Taking these factors into account, I concur with the findings set out in the CA summary document that these buildings help to form a distinctive and cohesive group with the station. It is undisputed by the parties that the terraces constitute Buildings of Townscape Merit.
-

5. Both sides of Station Parade incorporate evenly spaced and aligned street trees to the front of the terraces which add to the sense of visual rhythm and organisation along the street leading to and helping to frame the symmetry of the centrally placed Kew Gardens Station building. Drawing these considerations together the street constitutes a busy and vibrant area, characterised by its high quality design.
6. Though broadly aligned with other items of street furniture including public seating and cycle stands within an area of bonded gravel at the front of highway, the kiosk would encroach into the centrally positioned footway, interrupting the clearance of this area, which at present is substantially devoid of other items of furniture. This would serve to erode the aforementioned aligned and organised character of the street. Furthermore, the proposal would appear somewhat randomly placed and poorly co-ordinated when taking into consideration the presence of existing nearby kiosks on either side of Station Parade. This in turn would also dilute the sense of organisation of development, which I have identified as a key characteristic.
7. The street scene is characterised by a distinctive and attractive assemblage of buildings and spaces. By contrast, the functional appearance of the proposed kiosk, despite its limited scale, relatively simple design and the presence of existing kiosks, would appear obtrusive and incongruous within this visually sensitive location.
8. I therefore find that the proposal would, despite the presence of more vibrant commercial frontages at ground level, result in harm to the character and appearance of this part of the CA and to the contribution to this made by Buildings of Townscape Merit. In causing harm to this part of the CA it would therefore fail to preserve the whole of the CA.
9. Accordingly it would conflict with Policy CP7 of the London Borough of Richmond upon Thames Core Strategy 2009; Policies DM HD 1, DM HD 3, and DM DC 1 of the London Borough of Richmond upon Thames Development Management Plan 2011 (DMP) and Policies LP 1, LP 3 and LP 4 of the Council's Local Plan Publication for Consultation 2017 (LP) insofar as they seek to secure a high standard of design that respects local distinctiveness and protects heritage assets.
10. Whilst the harm to the CA would be less than substantial, in terms of the guidance in the National Planning Policy Framework (the Framework), there would still be real and serious harm which is a consideration of significant weight. In such circumstances, where harm is identified to the significance of a designated heritage asset, the Framework requires that this harm is weighed against the public benefits of the proposal.
11. In terms of benefits, I acknowledge that the kiosk would allow for inclusive public access, whilst its extensively glazed design would be conducive to surveillance and security. Its reliance on solar power for interior lighting would also represent a sustainable, energy efficient solution. However, although the Framework sets out that the Government is committed to the expansion of the electronic communications network, the appellant has not set out a compelling case for the proposal on grounds of specific locational need. Furthermore, whilst the public may expect to see street furniture within commercial conservation areas, there is no suggestion that there is an absence of such furniture in this location. In the aforementioned context I attach only very

limited weight to the public benefits of the proposal, which would not outweigh the harm identified.

12. Drawing the above considerations together I conclude that the proposal would conflict with the Framework insofar as it seeks a high standard of design and the protection of heritage assets. I therefore conclude that the proposal would not amount to the sustainable development for which there is a presumption in favour, as set out in the Framework.

Pedestrian Movement

13. From my visit it was apparent that despite encroachment into the adjacent footway, the structure would be sited substantially towards the road, so that sufficient clearance would remain to allow for convenient pedestrian movement. I conclude that the proposal would not therefore result in harm to pedestrian accessibility along the highway. Accordingly there would not be conflict with Policy DM TP 6 of the DMP or Policy LP 44 of the LP insofar as they seek to protect the pedestrian environment and avoid barriers to movement.

Conclusion

14. I have found that the proposal would not result in harm to pedestrian movement. This however does not overcome my negative findings in terms of the siting and appearance of the development in relation to the protection of heritage assets. Therefore for the above reasons, and having taken into consideration all other points raised including that a supporting representation from a third party was submitted, the appeal should be dismissed.

Roy Merrett

INSPECTOR