
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/17/3179416

Outside Gaughan, 1 Barnes High Street, Barnes, London SW13 9LB

- 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 17/1347/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 Matters

2. I have taken the description of development and site address from the appeal form which adequately describes the proposal and its location.
3. I acknowledge that representations have been received from third parties raising concerns that the kiosk would be used for advertising. However, only the construction of the kiosk is being considered in this case and not advertisement consent or any related issues. My consideration of the proposal is therefore confined to matters of the siting and appearance of the kiosk.

Main Issues

4. The main issues are the effect of the development on i) the character and appearance of the Barnes Green Conservation Area (CA) and the setting of 1A Barnes High Street, an adjacent Building of Townscape Merit and ii) the pedestrian environment and highway safety.

Reasons

Character and Appearance

5. The Council's CA summary document recognises that the architectural variety and enclosure of the northern end of the Green by a number of distinctive buildings form important elements of its character. The appeal site is in a very prominent location adjacent to the junction of Station Road and Barnes High Street. In the immediate vicinity, the presence of a number of older buildings
-

facing the north and west sides of the Green, and the mature planting and pond within that area, combine to give this part of the CA a verdant village-like feel. Furthermore, the immediately adjacent property at 1A Barnes High Street, with its gabled frontage and use of coordinated external materials including brickwork, white render and small window panes, is a very distinctive building of traditional appearance at a key focal point in the street scene. It is undisputed by the parties that this property constitutes a Building of Townscape Merit. The appeal site is therefore located in part of the CA which has a cohesive traditional character.

6. The proposed kiosk would be sited immediately adjacent to existing street furniture including a group of cycle stands, a CCTV camera pole, a litter bin and various cabinets. It would therefore add to the clutter of street furniture in this location, an effect which the CA summary document specifically identifies as a problematic feature of the CA, albeit in general terms. When also taking into account its functional appearance, the kiosk would, despite its limited scale and relatively simple design, form a visual distraction from and appear incongruous with No 1A, resulting in harm to the setting of this building. In addition, despite the presence of more vibrant commercial frontages at ground level in the wider area, the kiosk would be at odds with the aforementioned traditional character and appearance of this part of the CA. As such it would result in harm to this part of the CA and would therefore fail to preserve the whole of the CA.
7. I acknowledge that the Council and third parties have referred to the presence of a number of Grade II listed buildings in the vicinity of the site including Old Essex House, The Sun Inn public house and 70 Barnes High Street. I consider that the elements of setting that contribute to their significance include their age, form and appearance and relationship with the street. Whilst there would be intervisibility between the appeal site and these properties, the limited scale and relatively simple design of the kiosk and its separation from the buildings would ensure that it would not tend to draw the eye as an incongruous feature. In that context, I consider there would be no harm to the significance of the setting of these buildings. This however does not overcome the harm I have identified above.
8. Accordingly the proposal 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.
9. 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.
10. 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 broad 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.

11. 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 Environment and Highway Safety

12. The proposed kiosk would be located within a widened part of the pavement, such that the development would not unduly interfere with the natural desire line for convenient pedestrian movement. However it would be situated in close proximity to existing cycle stands and from the information provided and my visit it seems to me that the kiosk would interfere with the present ease of access to this area and therefore the accessibility of the pedestrian environment for cyclists.
13. The Council has raised the concern that the kiosk would be detrimental to visibility for drivers at the junction of Station Road and Barnes High Street. The development would be sited immediately adjacent to the junction of these roads, towards the front of the pavement and I am in no doubt that it would adversely affect visibility of on-coming vehicles along Barnes High Street for drivers waiting to emerge from Station Road. In the absence of any evidence to the contrary from the appellant, I conclude that this would be harmful to highway safety.
14. Whilst the Council has referred to the potential for the road junction being re-designed, with the prospect of the siting of the kiosk being prejudiced as a result, I have not been provided with any further information in this regard and must determine the appeal on the basis of the information before me.
15. Accordingly there would be conflict with Policy DM TP 6 of the DMP and Policy LP 44 of the LP insofar as they seek to protect highway safety and the pedestrian environment, promoting convenient cycling routes.

Conclusion

16. I have found that the siting of the proposed kiosk would result in harm to the pedestrian environment and to highway safety. Furthermore the siting and appearance of the development would fail to protect heritage assets. Therefore for the above reasons, and having taken into consideration all other points raised, the appeal should be dismissed.

Roy Merrett

INSPECTOR