
Appeal Decisions

Site visits made on 7 and 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: 22 November 2017

CASE DETAILS

All Appeals

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against refusals to grant approvals required under Schedule 2, Part 16, Class A of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).
 - The appeals are made by Mr Nathan Still, Infocus Public Networks Ltd, against the decisions of the Council of the London Borough of Richmond-upon-Thames.
 - The applications were all dated 5 April 2017 and refused by notices dated 26 May 2017.
 - The development proposed in each case is the installation of a freestanding payphone kiosk on the pavement.
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Appeal A - APP/L5810/W/17/3179432

2 George Street, in front of Links, Richmond TW9 1JY

- Application Ref 17/1353/TEL (Site visit made on 7 November 2017)
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Appeal B - APP/L5810/W/17/3179430

George Street, outside Joe and The Juice, Richmond TW9 1HY

- Application Ref 17/1352/TEL (Site visit made on 7 November 2017)
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Appeal C - APP/L5810/W/17/3179427

35 The Quadrant, outside Greggs, Richmond TW9 1DN

- Application Ref 17/1351/TEL (Site visit made on 8 November 2017)
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Appeal D - APP/L5810/W/17/3179425

The Quadrant, in front of No 27 (Don Fernandos), Richmond TW9 1DN

- Application Ref 17/1350/TEL (Site visit made on 8 November 2017)
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Decisions

Appeals Dismissed

1. The following appeals are dismissed:

- **Appeal A - 2 George Street, in front of Links, Richmond TW9 1JY** (Application Ref 17/1353/TEL)
 - **Appeal B - George Street, outside Joe and The Juice, Richmond TW9 1HY** (Application Ref 17/1352/TEL)
 - **Appeal C - 35 The Quadrant, outside Greggs, Richmond TW9 1DN** (Application Ref 17/1351/TEL)
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Appeal Allowed

2. The following appeal is allowed and approval is granted under the provisions of Class A of Part 16 of Schedule 2 to 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 the following location, in accordance with the application as indicated, dated 5 April 2017, and in accordance with the plans submitted:

- **Appeal D - The Quadrant, in front of No 27 (Don Fernandos), Richmond TW9 1DN** (Application Ref 17/1350/TEL)

Procedural Matter

3. I have taken the description of development from each appeal form which adequately encapsulates the proposals.

Main Issues

4. The main issues are i) with regard to each appeal, the effect of the development on the character and appearance of the Central Richmond Conservation Area (CA) and for appeals A, B and C the setting of a nearby listed building and / or Buildings of Townscape Merit and ii) with regard to each appeal pedestrian accessibility along the highway and with regard to appeals A, C and D, highway safety.
5. I have had regard to the character appraisal of the CA provided by the Council. From the information before me and my visit I concur with the view that the CA is focussed on the commercial shopping area and includes a townscape noteworthy for variety and high quality shop fronts in general.

Reasons

Appeal A - 2 George Street, in front of Links, Richmond TW9 1JY

Heritage Assets

6. The proposed kiosk would be sited on a projecting part of the footway at a focal point within the town centre adjacent to the junction of three roads, Hill Street, George Street and King Street. The appeal site is therefore in a very prominent location.
7. The site is immediately adjacent to No 2 George Street, a four storey building recognised by the Council as a Building of Townscape Merit. It seems to me that the interest of this building derives from the uniformity and symmetry in the design of its frontage at upper floor levels, particularly in terms of the appearance and spacing of windows incorporating sliding sash panes and stone surrounds and the design of the shop frontage at ground level. Looking southwards along Hill Street, from the opposite side of the road, despite the presence of modern developments, No 2 is seen in the context of buildings of similar height and design which tightly conform with the curved orientation of street junctions to form a visually cohesive vista.
8. However there are several items of street furniture present around the junction of George Street and King Street, including cycle stands, street signage and a

post box which create a sense of clutter in the foreground to this important vista. Though it would be situated on the opposite side of the road, the kiosk would be seen as adding to this clutter and would appear as an insensitive and imposing functional development within the setting of the aforementioned Building of Townscape Merit. Indeed the CA character appraisal summary document identifies the lack of co-ordination of and need for rationalisation of street furniture as a key issue in general within the CA. The development would therefore distract from and dilute an important view resulting in harm to the character and appearance of this part of the CA. In causing harm to this part of the CA it would therefore fail to preserve the whole of the CA.

9. The Council has referred in its refusal reason to the proximity of the Old Ship Public House, a grade II listed building. I consider that the elements of setting that contribute to the significance of this building are its form and appearance and relationship with the street. Whilst there would be intervisibility with the appeal site, the limited scale and relatively simple design of the kiosk and its separation from the listed building would ensure that it would not result in harm to the significance of its setting. This however does not overcome the harm I have identified above.

Pedestrian Movement and Highway Safety

10. The siting of the proposed kiosk within a projecting part of the footway would be outside the natural desire line for pedestrian movement. From my visit it was also evident that a substantial part of the footway would remain sufficiently clear to allow for continued convenient pedestrian movement. I conclude that the proposal would not therefore result in harm to pedestrian accessibility along the highway.
11. The Council has raised the concern that the kiosk would be detrimental to visibility for drivers entering the 'one way' system along George Street. However from my visit it was evident that the kiosk would be sited so as not to interfere unduly with forward visibility of the road alignment, including any stationary traffic that may back up as a result of the pedestrian crossing further along George Street. Its siting would not interfere with visibility of the 'one way' signage and in any event I am not persuaded that this location is a particularly complicated or difficult part of the road network for drivers. I find no harm to highway safety.

Appeal B - George Street, outside Joe and The Juice, Richmond TW9 1HY

Heritage Assets

12. The site is located at the western end of Lower George Street, a short but busy and vibrant pedestrianised thoroughfare. The street incorporates many varied items of street furniture, including pavement cafe seating, cycle stands, lighting and other kiosks including phones and that associated with a flower vendor.
13. The appeal site is in the setting of a number of visually interesting buildings within the CA, notably the immediately adjacent No 39 George Street, regarded by the Council as a Building of Townscape Merit and acknowledged within the CA character appraisal summary document as making a valuable contribution to the character of the town centre. This building is characterised by its well-

proportioned window symmetry and intricate design detail. Its street corner location forms a prominent landmark, emphasising the turn of the street. From within Lower George Street the kiosk would be located in the foreground of views towards buildings on the opposite side of George Street. Because of their similarity in height and uniformity of window design and spacing, these buildings form an attractive, visually cohesive grouping.

14. In the above context the kiosk would be seen as adding to existing street furniture resulting in a sense of clutter and appearing as an insensitive and imposing functional development within the setting of the aforementioned buildings. Rather than the existing street furniture acting as a precedent that would mitigate impact, the development in this visually sensitive location would further distract from and dilute important townscape views resulting in harm to the character and appearance of this part of the CA. In causing harm to this part of the CA it would therefore fail to preserve the whole of the CA.

Pedestrian Movement

15. The siting of the proposed kiosk within a centralised part of the street, aligned with existing items of street furniture would not interrupt the natural desire lines for pedestrian movement through clearer spaces on either side. From my visit it was evident that a substantial part of the footway would remain sufficiently clear to allow for continued convenient pedestrian movement. I conclude that the proposal would not therefore result in harm to pedestrian accessibility along the highway.

Appeal C - 35 The Quadrant, outside Greggs, Richmond TW9 1DN

Heritage Assets

16. The site is within part of the street characterised by significant variation in the age, appearance and form of buildings. Open space around the approach to the railway station area forms a visual gap between built development in views to the north. It seems to me that these characteristics, despite the presence of buildings recognised to be of townscape merit in the wider area, serve to dilute the visual cohesiveness of the street scene in this location. The appeal site location is immediately adjacent to a more modern building and given the surrounding built context, the limited scale and relatively simple design of the kiosk, would not tend to draw the eye as an incongruous feature.
17. The proposed kiosk would be located towards the front of the highway at a point where the pavement widens significantly to the south. With the exception of periodic street lighting and cycle stand railings immediately to the north, there are no significant items of street furniture in the immediate locality. Whilst the cycle railing is relatively long, it is narrow and squat in form running parallel with the alignment of the street. Consequently the proposal would not result in a sense of clutter in this location. Drawing the above considerations together the proposal would not appear incongruous in the street scene and would preserve the character and appearance of the CA.

Pedestrian Movement and Highway Safety

18. The site is within relatively close proximity to the entrance to Richmond Station to the north. At the time of my visit, during the morning peak travel time, it was apparent that the large amount of pedestrian traffic was causing people to

regularly cross over the appeal site to avoid one another. Therefore although, as identified above, the appeal site would be within a widened part of the footway and would leave a pavement width in excess of three metres for pedestrian movement, because of the very busy nature of this location I am not persuaded that the proposed kiosk would not obstruct convenient passage. In addition the kiosk would significantly reduce the accessible width of the forward most part of the pavement and as such would not be considerably sited for delivery workers who would be obstructed from gaining convenient access to nearby businesses from the adjacent loading bay. I conclude that the proposal would be detrimental to convenient pedestrian movement along the footway.

19. The Council has raised the concern that the kiosk would be harmful to highway safety through inhibiting pedestrian access from the loading bay. However from the information before me and my visit it is evident that delivery workers would continue to be able to access the footway at the opposite end of the bay. Furthermore the configuration of the bay would, if fully occupied with vehicles, require delivery workers to encroach significantly onto the highway in any event. Accordingly, though I accept that the siting of the kiosk would lead to inconvenience, I am not persuaded that it would result in material harm to highway safety. Likewise the argument that the proposal would result in any material harm for cyclists seeking to dismount in preparation to secure cycles to adjacent railings is not a compelling one. This however does not overcome the harm I have identified above.

Appeal D - The Quadrant, in front of No 27 (Don Fernandos), Richmond TW9 1DN

Heritage Assets

20. The appeal site is located within an extensive paved area close to the entrance to Richmond Station. It is within an area characterised by variation in the appearance and form of buildings, with a number of modern developments of relatively utilitarian design in the immediate vicinity. Given the surrounding built context, the kiosk with its limited scale and relatively simple design would not tend to draw the eye as an incongruous feature.
21. The proposed kiosk would be aligned with an adjacent street sign, however there are relatively few items of existing street furniture in this location. Consequently the proposal would not result in a sense of clutter. I acknowledge that Policy SA 19 of the Council's Local Plan Publication for Consultation 2017 (LP) recognises the need for comprehensive and high quality redevelopment of the Richmond Station area. However I have not been provided with any compelling information to demonstrate how the proposal would prejudice this ambition. Drawing the above considerations together the proposal would not appear incongruous in the street scene and would preserve the character and appearance of the CA.

Pedestrian Movement and Highway Safety

22. The siting of the kiosk would leave a residual pavement width of some 8.4 metres. Whilst it was evident from my visit that this is a busy pedestrian area, a substantial part of the footway would remain clear. Even allowing for the possibility of the area becoming busier in the future, the argument that the proposal would hinder convenient pedestrian movement is simply not

compelling in this case. Nor am I persuaded that visibility of the ATM machines, though in a recessed position on the adjacent building, or other businesses more generally would be significantly adversely affected by the siting of the kiosk.

23. The kiosk would be set back from the main road known as The Quadrant by some 2.6 metres, which I consider sufficient to ensure that it would not interfere with the visibility of drivers in vehicles waiting to emerge onto this road. Although it was apparent during my visit, that the existing adjacent taxi bay compromises driver visibility to a degree, the proposed kiosk would not result in material harm to existing circumstances.
24. I conclude that the proposal would not therefore result in harm to pedestrian accessibility along the highway or to highway safety.

Conclusion

25. In the cases of appeals A and B for the reasons given above I have found that the appearance and siting of the kiosks, despite the presence of more vibrant commercial frontages at ground level, would in each case result in harm to the character and appearance of the CA and to the setting of Buildings of Townscape Merit. Accordingly in those cases the proposals 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 LP insofar as they seek to secure a high standard of design that respects local distinctiveness and protects heritage assets.
26. Whilst the harm to heritage assets, in each case, 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.
27. In terms of benefits, I acknowledge that the kiosks would allow for inclusive public access, whilst their extensively glazed design would be conducive to surveillance and security. Their 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 proposals 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 within the CA and I am not persuaded by the argument that the presence of a kiosk would enhance the shopping experience. In the aforementioned context I attach only very limited weight to the public benefits of the proposals, which in each case would not outweigh the harm identified.
28. Drawing the above considerations together I conclude that each of the aforementioned appeal proposals would conflict with the Framework insofar as it seeks a high standard of design and the protection of designated heritage assets. I therefore conclude that these proposals would not amount to the

sustainable development for which there is a presumption in favour, as set out in the Framework.

29. With regard to appeals C and D, I have found no harm to the CA or to non-designated heritage assets. Accordingly in these cases there would not be conflict with the aforementioned policies.
30. In the case of appeal C, for the reasons given above I have found that the siting of the kiosk would result in harm to pedestrian accessibility along the highway, though not to highway safety. Accordingly, it would conflict with Policy DM TP 6 of the DMP, and Policy LP 44 of the LP insofar as they seek to protect the pedestrian environment, allowing for appropriate access.
31. With regard to appeals A, B and D, I have found no harm to pedestrian accessibility or highway safety. Accordingly in those cases there would not be conflict with the aforementioned policies.
32. For the aforementioned reasons appeals A, B and C should therefore be dismissed.
33. In the case of appeal D which I have concluded should be allowed, the attention of the appellant is drawn to the standard conditions relating to such approvals, as set out in paragraphs A.2 and A.3 of Part 16 of Schedule 2 to the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended).

Roy Merrett

INSPECTOR