
Appeal Decision

Site visit made on 7 November 2017

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 24 November 2017

Appeal Ref: APP/L5810/W/17/3179436

24 King Street, outside Harris and Hoole, London TW1 3SN

- 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 17/1345/TEL, dated 5 April 2017, was refused by notice dated 30 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 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 24 King Street, outside Harris and Hoole, London TW1 3SN in accordance with the terms of the application Ref 17/1345/TEL, dated 5 April 2017 and in accordance with the plans submitted.

Procedural Matters

2. I have taken the description of development from the appeal form which adequately describes the proposal.
3. I acknowledge that a representation has been received from a third party raising concerns that the kiosk would be used for unsightly 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) heritage assets, namely the character and appearance of the Queens Road (Twickenham) Conservation Area (CA) and the setting of nearby listed buildings and Buildings of Townscape Merit and ii) pedestrian accessibility along the highway.
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Reasons

Heritage Assets

5. The appeal site is located on the northern side of King Street, a busy shopping thoroughfare, which constitutes the southern extent of the CA. The adjacent buildings form a compact terrace, where the similarity in red brick colouring and window design and proportions at upper floor level results in a strong sense of visual cohesion. Nevertheless the variation in shop front design at ground level, including the scale and colour of commercial signage and its proximity to the continuous flow of vehicles and pedestrians, gives the lower level of the terrace a more changeable and lively feel.
6. The proposed kiosk would be positioned close to the front of the highway and broadly aligned with and well-spaced in relation to other forms of existing nearby street furniture including cycle stands, public seating and taller signage. Furthermore there are similar kiosks present in the vicinity of the site on the opposite side of King Street.
7. In this context the proposal, despite its relatively simple and utilitarian design, would not appear as an incongruous, cluttering or unfamiliar feature. Furthermore its visual impact, viewed from the opposite side of King Street, where the more visually appealing upper levels of the adjacent terrace are more prominent, would, despite some of these buildings being recognised by the Council as Buildings of Townscape Merit, be mitigated due to the screening effect of significant traffic flows.
8. The Council has referred to the impact of the proposal on the setting of The George Public House and Nos 10 and 12 King Street, both grade II listed buildings. I consider that the elements of setting that contribute to their significance include their age, form and appearance and relationship with the street. Whilst the proposed kiosk would be within the setting of these buildings, its limited scale, relatively simple design and degree of separation from the buildings combined with the presence of existing street furniture would ensure that it would not tend to draw the eye as an incongruous feature. In this context, I consider there would be no harm to the significance of the setting of these buildings.
9. For the above reasons I conclude, despite the presence of other phone kiosks relatively nearby and the lack of compelling evidence of the need for the kiosk in this case, that the proposal would not result in harm to heritage assets, namely the character and appearance of the CA and the setting of nearby listed buildings and Buildings of Townscape Merit. Accordingly there would not be conflict with the National Planning Policy Framework; Policies CP7 and CP9 of the London Borough of Richmond upon Thames Core Strategy 2009; Policies DM HD 1, DM HD 2, DM HD 3, and DM DC 1 of the London Borough of Richmond upon Thames Development Management Plan 2011 (DMP); the Twickenham Area Action Plan 2013 (AAP) 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, avoids creating untidy and cluttered streets and protects heritage assets.

Pedestrian Movement

10. From my visit it was evident that the proposed kiosk would be broadly aligned with existing street furniture, which already forms a barrier to movement. The proposed kiosk would not therefore materially worsen this impact. Notwithstanding this and the presence of intermittent board signage at the back of the highway, it seems to me that the footway would remain sufficiently clear 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, the AAP or Policy LP 44 of the LP insofar as they seek to protect the pedestrian environment and avoid barriers to movement.

Other Matter

11. Whilst concern has been raised about personal security due to the potential concealing effect of the structure, I am not persuaded that this would result in a significant issue due to the busy and vibrant nature of the street which would allow for a good standard of surveillance of the immediate surroundings of the kiosk.

Conclusion and Conditions

12. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed. The attention of the appellant is drawn, in this regard, 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) Order 2015 (as amended).

Roy Merrett

INSPECTOR