
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/17/3179438

York Street, opposite No 59, Twickenham TW1 3LP

- 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 17/1346/TEL, dated 5 April 2017, was refused by notice dated 23 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 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 Twickenham Riverside Conservation Area (CA) and the setting of a nearby listed building and Building of Townscape Merit and ii) pedestrian accessibility along the highway.

Reasons

Heritage Assets

4. The appeal site is in a very prominent location on York Street, a short distance from the east elevation of the Civic Centre, which is recognised by the Council as a Building of Townscape Merit. It is also very close to the grounds of York House, including its grand ornate wrought iron entrance gates and brick piers, designated as a grade II* listed building.
 5. It was apparent from my visit that the east elevation of the Civic Centre, incorporating red brickwork with contrasting stone arches and window surrounds and a protruding corner dome, is a building of significant architectural merit, visible at distance from further to the east along Richmond
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- Road. Accordingly it forms a distinctive landmark at the gateway to the commercial centre of Twickenham.
6. York House is significantly set back from the highway behind the aforementioned traditional entrance gates and verdant mature wooded grounds, which collectively form a close relationship with the street and therefore a strong sense of intervisibility with the appeal site. The grounds of York House are separated from the Civic Centre by an attractive area of public realm, characterised by the broad symmetry of curved, low level entrance features and the alignment and coordination of trees and street lighting.
 7. Collectively this part of the street scene is therefore identified by a distinctive and attractive assemblage of buildings and spaces which, despite the proximity of nearby businesses, marks a break from the vibrancy of a more commercial setting. By contrast, the functional appearance of the proposed kiosk, despite its limited scale and relatively simple design, would appear as an insensitive and incongruous intrusion into the setting of both York House and the Civic Centre. Furthermore, it would be prominently sited on a projecting part of the pavement, appearing as a random encroachment and failing to relate well to the co-ordinated layout of the aforementioned public realm area separating the two buildings. The kiosk would be at odds with and distract from the visual impact of these buildings and related spaces. I conclude that there would be harm to the setting of these heritage assets.
 8. In terms of the character of the CA, the Council recognises that York House contributes to an exceptionally fine area of integrated architectural and landscape design. For the reasons set out above I concur with this assessment. Accordingly the proposal would result in harm to the character and appearance of the street scene and a failure to preserve the whole of the CA.
 9. I therefore find that the proposal would result in harm to the setting of a listed building and a Building of Townscape Merit and to the CA. There would be conflict with 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 LP1, LP3 and LP4 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.
 10. Whilst the harm to heritage assets 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. 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. 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. 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.

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 the appeal should be dismissed.

Roy Merrett

INSPECTOR