
Appeal Decisions

Site visit made on 8 November 2017

by C L Humphrey BA (Hons) DipTP MRTPI

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

Decision date: 30th November 2017

CASE DETAILS

All Appeals

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Article 3, Schedule 2, Part 16 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 Leeds City Council.
 - The development proposed in each case is described as installation of an electronic communications apparatus.
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Appeal A - Ref: APP/N4720/W/17/3179068

Outside Corn Exchange, Call Lane, Leeds LS1 7BR

Grid Reference Easting: 430355, Grid Reference Northing: 433398

- The application Ref 17/01870/DTM, dated 22 March 2017, was refused by notice dated 12 May 2017.
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Appeal B - Ref: APP/N4720/W/17/3179072

Millennium Square, Calverley Street, Leeds LS1 3DA

Grid Reference Easting: 429804, Grid Reference Northing: 434005

- The application Ref 17/01874/DTM, dated 22 March 2017, was refused by notice dated 12 May 2017.
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Appeal C - Ref: APP/N4720/W/17/3181075

Outside 26 Albion Street, Leeds LS1 6EX

Grid Reference Easting: 430059, Grid Reference Northing: 433534

- The application Ref 17/02404/DTM, dated 12 April 2017, was refused by notice dated 5 June 2017.
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Appeal D - Ref: APP/N4720/W/17/3181077

Outside Leeds Beckett Library, Woodhouse Lane, Leeds LS1 3ES

Grid Reference Easting: 429843, Grid Reference Northing: 434326

- The application Ref 17/02405/DTM, dated 12 April 2017, was refused by notice dated 30 May 2017.
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Appeal E - Ref: APP/N4720/W/17/3181082

Outside Leeds Court Centre, Westgate, Leeds LS1 2RD

Grid Reference Easting: 429650, Grid Reference Northing: 433805

- The application Ref 17/02406/DTM, dated 12 April 2017, was refused by notice dated 5 June 2017.
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Appeal F - Ref: APP/N4720/W/17/3181086

Outside Millennium Square, Great George Street, Leeds LS1 3DW

Grid Reference Easting: 429821, Grid Reference Northing: 433932

- The application Ref 17/02407/DTM, dated 12 April 2017, was refused by notice dated 30 May 2017.
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Appeal G - Ref: APP/N4720/W/17/3181088

Outside 99 The Headrow, Leeds LS1 5JW

Grid Reference Easting: 430043, Grid Reference Northing: 433775

- The application Ref 17/02408/DTM, dated 12 April 2017, was refused by notice dated 30 May 2017.

Appeal H - Ref: APP/N4720/W/17/3181091

Outside 33 Park Row, Leeds LS1 5JL

Grid Reference Easting: 429925, Grid Reference Northing: 433611

- The application Ref 17/02409/DTM, dated 12 April 2017, was refused by notice dated 5 June 2017.

Appeal I - Ref: APP/N4720/W/17/3181092

Outside Mill Hill Chapel, City Square, Leeds LS1 5EB

Grid Reference Easting: 429933, Grid Reference Northing: 433477

- The application Ref 17/02410/DTM, dated 12 April 2017, was refused by notice dated 30 May 2017.

Appeal J - Ref: APP/N4720/W/17/3181094

Outside Leeds Station, Wellington Street, Leeds LS1 4DT

Grid Reference Easting: 429856, Grid Reference Northing: 433398

- The application Ref 17/02411/DTM, dated 12 April 2017, was refused by notice dated 5 June 2017.

Appeal K - Ref: APP/N4720/W/17/3181097

Outside 83 Briggate, Leeds LS1 6LH

Grid Reference Easting: 430256, Grid Reference Northing: 433717

- The application Ref 17/02412/DTM, dated 12 April 2017, was refused by notice dated 30 May 2017.

Appeal L - Ref: APP/N4720/W/17/3181098

Outside Debenhams, King Edward Street, Leeds LS1 6AX

Grid Reference Easting: 430302, Grid Reference Northing: 433584

- The application Ref 17/02413/DTM, dated 12 April 2017, was refused by notice dated 8 June 2017.

Appeal M - Ref: APP/N4720/W/17/3181101

Outside Holy Trinity Church, Boar Lane, Leeds LS1 6HW

Grid Reference Easting: 430156, Grid Reference Northing: 433394

- The application Ref 17/02415/DTM, dated 12 April 2017, was refused by notice dated 8 June 2017.

Appeal N - Ref: APP/N4720/W/17/3181103

Outside Victoria Gate, George Street, Leeds LS2 7JA

Grid Reference Easting: 430437, Grid Reference Northing: 433597

- The application Ref 17/02414/DTM, dated 12 April 2017, was refused by notice dated 30 May 2017.

Decisions

1. The appeals are dismissed.

Procedural and Preliminary Matters

2. Notwithstanding the description of development set out in the banner heading above, which is taken from the application forms, in each case the appeal forms describe the proposal as a payphone kiosk. This revised description more appropriately describes the proposed development, and I have therefore

considered the appeals on that basis as no party would be prejudiced or caused any injustice by me taking this course of action.

3. In the case of Appeal H and Appeal M the address set out in the banner heading above is taken from the appeal forms because the addresses given on the application forms were inaccurate.
4. The provisions of Schedule 2, Part 16 of the GPDO¹ require the local planning authority to assess the proposed development solely on the basis of its siting and appearance. I note objections from Leeds Civic Trust and other interested parties in relation to wider matters, including the need for the kiosks and their potential to be used for the display of advertisements. However, matters such as the principle of the development and the need for the facilities are not at issue in these appeals. Moreover, in all these appeals, only the construction of the kiosks is being considered and not advertisement consent. I have made my determinations with regard to the siting and appearance of the proposed development in accordance with the provisions of the GPDO.

Main Issues

5. The main issues in these appeals are:
 - (i) In all cases, the effect of the siting and appearance of each proposed payphone kiosk on the character and appearance of the area and additionally, in the case of appeals A, B, C, E, F, G, I, J, K, L, M and N, whether the proposals would preserve or enhance the character or appearance of the Central Area – Leeds City Centre Conservation Area and, in the case of appeals A, B, C, E, F, G, H, I, J, K, L, M and N, whether the proposals would preserve the setting of the nearby listed buildings; and
 - (ii) In the case of appeals A, B, C, D, E, G, H, K, L, M and N, the effect of the siting and appearance of each proposed payphone kiosk on the safe and efficient operation of the highway.

Reasons

Planning policy

6. I have had regard to the National Planning Policy Framework (the Framework) insofar as it is relevant to the appeal proposals. The core planning principles set out in paragraph 17 of the Framework seek to secure high quality design and a good standard of amenity for all, conserve heritage assets in a manner appropriate to their significance and make the fullest possible use of public transport, walking and cycling, and sections 4, 7 and 12 set out national policy in respect of these matters. The Framework is supportive of the development of communications infrastructure; however paragraph 45 makes it clear that applications for telecommunications development, including those for prior approval, should be supported by the necessary evidence to justify the proposed development.
7. Although not determinative, I have had regard to the design, conservation, amenity protection and transport aims of Policy GP5 of the Leeds Unitary

¹ The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended)

Development Plan Review and Policies SP3, G6, P10, P11 and T2 of the Leeds Local Development Framework as material considerations insofar as they are relevant to assessing the effect of the siting and appearance of the appeal proposals on the character and appearance of the area, designated heritage assets and the safe and efficient operation of the highway.

Payphone kiosks

8. In each case the proposed payphone kiosk would have a footprint of around 1.2m x 1.4m and be approximately 2.6m high. All would comprise clear glazed panels set in a black steel frame and would be open at the front, with one side featuring a shorter panel. The overhanging roof would incorporate photovoltaic (PV) modules.
9. The proposed payphone kiosks would be an accessible local community facility, and the PV modules would generate power to illuminate the interior of the unit. I afford these social and environmental benefits moderate weight.

Locations

10. All of the appeal sites are in the city centre and the majority lie within the Central Area - Leeds City Centre Conservation Area (the CA), which contains numerous civic, religious and commercial mid-19th to early 20th century buildings, many of which are listed. These buildings, together with the largely cohesive uncluttered public realm, contribute positively to the CA's distinctive high quality and unified built environment.

Appeal A - Outside Corn Exchange, Call Lane, Leeds LS1 7BR

11. The proposed kiosk would be set in from the kerb edge on a very well-used, fairly narrow section of footway near a pedestrian crossing over Call Lane within the CA and outside the Grade I listed Corn Exchange. Whilst there are a number of small items of existing street furniture in the vicinity, including utility boxes, cycle racks, guardrail, signals and lampposts, they are low level or slender and set near the kerb edge and so do not prevent views across the space, detract from the setting of the listed building or hinder pedestrian movement.
12. Although the proposed payphone kiosk would be open on one side with clear glazed panels, its sizeable footprint, considerable height, heavy black steel frame and substantial overhanging roof form would create a tall, bulky and discordant element within the street scene in a highly prominent location. The proposed development would be seen directly in front of the Corn Exchange when viewed from the busy intersection of Call Lane, New Market Street and Duncan Street and would thus be extremely conspicuous, impinging upon the setting of the listed building and interrupting the strong repeating rhythm of the closely spaced round arched windows and the semi-circular arcaded porch facing Duncan Street.
13. The proposed installation of a tall, bulky structure with a sizeable footprint set away from the kerb edge in a location which is subject to significant footfall would be likely to impair the free flow of pedestrian movement. Moreover, given the proximity to manhole covers, it could also hinder servicing of existing infrastructure.

Appeal B - Millennium Square, Calverley Street, Leeds LS1 3DA

14. The proposed kiosk would be sited within the CA on the footway just north of one of the main pedestrian and vehicular entrances to Millennium Square, a civic space in front of the main façade of the Grade II* listed Civic Hall which is used for outdoor public events such as the Christmas market. This market was in the process of being set up at the time of my site visit, and the associated fencing along Calverley Street reduced the width of the footway. The Leeds General Infirmary, Leeds City Council offices and Leeds Beckett University are all nearby and there are bus stops on both sides of the road just north of the appeal site. This concentration of civic, health and education related land uses and public transport facilities is likely to generate significant footfall; I noted during my site visit, which took place late morning, that the footway was very well-used by pedestrians and at peak times during the morning and afternoon rush hour and when events are taking place I would expect pedestrian numbers to be even more significant. There is a minimal amount of clutter on the footway and the small litter bin and slender lighting columns, bus stop flag and signpost do not hinder views across the space or detract from the generally open and attractive public square which forms an integral part of the setting of the listed building.
15. As a result of its cumbersome form, substantial utilitarian appearance and prominent siting, the kiosk would appear as a jarring feature in the street scene which would intrude upon views into the square from Calverley Street and detract from the setting of the Civic Hall.
16. Additionally, the sizeable footprint and bulk of the structure would reduce the available width of the footway to the detriment of the pedestrian environment and, particularly at times of peak pedestrian movement, could result in people having to step out into the carriageway thereby potentially coming into conflict with oncoming vehicles.

Appeal C - Outside 26 Albion Street, Leeds LS1 6EX

17. The proposed kiosk would be located south of the junction of Albion Street and Commercial Street within the CA and the city centre retail core. Save for servicing vehicles the street is pedestrianised and, based upon the evidence before me and observations during my site visit which took place around midday, experiences significant pedestrian footfall. The structure would be sited in an attractive and open area of paved public realm which forms part of the setting of the nearby Grade II listed building at 48 Albion Street. There is a limited amount of street furniture in the immediate area; the low bollards, bench and litter bin afford views across space as do the slender signposts and street lights.
18. The tall bulky form of the kiosk would appear as an inharmonious feature in a highly prominent location, undermining the cohesive and open public realm. When travelling north along Albion Street, the structure's heavy utilitarian appearance would be conspicuous against the backdrop of the richly modelled Venetian palazzo style listed building.

Due to the significant footprint, bulk and height of the kiosk, and its siting near a junction on a busy shopping street, it is probable that the proposal would impede pedestrian movement to a significant degree. Moreover, whilst vehicle

speeds are likely to be low, the siting of the kiosk in close proximity to the corner of Albion Street and Commercial Street could reduce inter-visibility between pedestrians and service vehicles, resulting in greater potential for conflict to the detriment of highway safety.

Appeal D - Outside Leeds Beckett Library, Woodhouse Lane, Leeds LS1 3ES

19. The proposed kiosk would be located on a fairly narrow footway adjacent to a busy road in front of the entrance to Leeds Beckett University library. At the time of my site visit, which took place in the late morning, I noted that the footway was very well used, with significant footfall in both directions and in and out of the library.
20. Other than a small litter bin and slender lighting column and signpost, the footway is free of clutter. The significant height, mass and footprint of the kiosk, with its heavy black frame and bulky overhanging roof, would seem at odds with the lightweight curved glazed library entrance and appear as an incongruous feature in the otherwise open street scene.
21. Based on the evidence before me and my observations on site the proposed kiosk would significantly reduce the width of the public footway in front of the library and, due to the large number of people walking in a variety of directions through the space, hinder the free flow of pedestrians. Furthermore, the introduction of such a sizeable obstruction in this busy location could lead to people stepping off the footway into the road and coming into conflict with vehicles.

Appeal E - Outside Leeds Court Centre, Westgate, Leeds LS1 2RD

22. The appeal site is located near the junction of Westgate and Oxford Row within the CA and immediately in front of the red brick and stone south elevation of the Renaissance Revival style Grade II listed Oxford Place Church. The Grade I listed Town Hall lies to the east beyond Oxford Place. Save for a few slender signposts, traffic signals and lighting columns, the footway around the appeal site is uncluttered and provides an open setting to the listed church. At the time of my site visit, which took place late morning, the footway was well used by pedestrians walking east and west.
23. Although it would be open on one side with clear glazed panels, the sizeable footprint, considerable height, black metal frame and substantial overhanging roof form of the payphone kiosk would create a tall, solid, bulky and discordant feature in a prominent location on one of the principal routes through the city centre. Consequently, it would create clutter and detract from the open and unified appearance of the street and this part of the CA. Moreover, although the setting of the listed Town Hall would be preserved due to the distance between it and the proposed kiosk, the development would be seen directly in front of Oxford Place Church when viewed from Westgate and would thus be highly conspicuous, impinging upon the setting of the listed building.
24. The proposed kiosk would be unlikely to unduly obstruct driver views of the advance direction sign due to their relative heights. Although I noted during my site visit that the 2 traffic islands on Westgate to the east of the site are used by pedestrians as informal crossing points, the proposed kiosk would be some distance away and so it would not be likely to obstruct visibility between

pedestrians and drivers. Whilst vehicles enter and exit Oxford Row near the appeal site, speeds are likely to be fairly slow and adequate visibility would be retained so the proposal would not create undue conflict between pedestrians and vehicles. However, the supporting posts of the advance direction sign already hinder pedestrian movement along this part of the footway, and the addition of a bulky kiosk in close proximity would be likely to further restrict pedestrian flow to an unacceptable degree. The appellant's reference to adopted standards for London streets is not relevant to this case.

Appeal F - Millennium Square, Great George Street, Leeds LS1 3DW

25. The proposed kiosk would be located on an area of footway adjoining the Nelson Mandela Gardens near to the corner of Great George Street and Calverley Street and south of Millennium Square. The appeal site lies within the CA and there are a number of nearby listed buildings including, at the junction of Great George Street and Calverley Street, the Classical Grade I listed Town Hall, the Italianate Grade II* listed Civic Court and the Gothic Revival Grade II listed Felon and Firkin Public House (now O'Neill's). To the east of the appeal site lie the Grade II listed red brick and ashlar stone Stansfield Chambers and Electric Press Building. The high quality paved footway, uncluttered by street furniture, forms a cohesive part of the attractive open public realm on this corner and serves to enhance the character and appearance of the CA and the setting of nearby listed buildings.
26. The prominent location, substantial height and mass and utilitarian appearance of the proposed kiosk would introduce incongruous clutter into this significant area of public realm. Furthermore, when approaching the site from a number of directions, the structure would be seen against the backdrop of surrounding listed buildings thereby detracting from their setting.

Appeal G - Outside 99 The Headrow, Leeds LS1 5JW

27. The appeal site is located on the south side of The Headrow, a wide tree lined street of uncluttered and unified appearance within the CA which has a bustling commercial and retail character. Permanent House and Headrow Buildings, a Grade II listed building constructed of Portland stone and red brick in the Classical style, lies opposite to the north and the Grade I listed Town Hall lies further to the west. The site is situated near the junction with Albion Street in close proximity to signal controlled pedestrian crossings over The Headrow and Albion Street. At the time of my site visit, which took place around the middle of the day, there was significant pedestrian activity along the footway and at the crossings near the appeal site.
28. The height and substantial form of the kiosk would introduce an incongruous and discordant item of street furniture and harm the openness of the street scene in this prominent corner location. Due to their substantial separation the proposed kiosk would preserve the setting of the listed Town Hall. However, when approaching the appeal site from the south-east, the development would be seen in front of the Grade II listed building opposite and would detract from its setting.
29. The proposed payphone kiosk would be sited near the kerb edge to the west of the pedestrian crossing over The Headrow. Whilst some people may choose to use informal crossing points further west, I observed during my site visit that

most appear to use the formal crossing. Given the traffic travels along the southern carriageway in an east-west direction, the siting of the kiosk would not cause an undue obstruction to visibility between pedestrians and drivers. However, the installation of a tall, bulky and solid structure with a sizeable footprint in a footway of fairly limited width which is subject to significant footfall would be likely to impair the free flow of pedestrian movement at this busy intersection. The appellant's reference to Transport for London adopted standards is not relevant to this case.

Appeal H - Outside 33 Park Row, Leeds LS1 5JL

30. The proposed payphone kiosk would be sited on a fairly narrow stretch of footway along the west side of Park Row near the junction with Russell Street. To the south lies the Grade II listed building at 33-35 Park Row, constructed from ashlar in the Classical style with a splayed corner facing the appeal site. North of the appeal site lies the Grade II listed building at 31-32 Park Row, built in grey granite, red brick and yellow terracotta in the Renaissance style. The fairly uniform building line and storey heights and uncluttered footway along Park Row gives the street a cohesive appearance. During my site visit, which took place mid-morning, I noted that there was significant pedestrian movement in both directions along the footway. Given the proximity to the railway station, at peak times during morning and evening rush hour I would expect footfall to be even greater. Although in fairly close proximity to a signal controlled pedestrian crossing, I noted during my site visit that some people make use of the traffic island near the junction with Russell Street as an informal crossing point.
31. The introduction of a tall, bulky and solid structure would detract from the open, unified appearance of the street and would interrupt views of the nearby listed buildings.
32. The sizeable footprint of the structure would reduce the width of the footway considerably which, in this area of significant footfall, would harm pedestrian movement. Moreover, due to the height, bulk and solidity of the kiosk and its proximity to the informal crossing point and the junction, the proposal would be likely to restrict visibility between pedestrians and drivers on Park Row and obstruct drivers' sightlines when turning out of Russell Street.

Appeal I - Outside Mill Hill Chapel, City Square, Leeds LS1 5EB

33. The appeal proposal would be sited in a wide area of footway in front of the Grade II* listed Mill Hill Chapel, which is constructed in millstone grit in the Gothic Revival style. The uncluttered open expanse of high quality public realm in this part of the CA forms an attractive setting to the listed chapel and affords good inter-visibility between it, the many listed buildings and structures to the south-west in City Square and the Grade II listed Queens Hotel to the south.
34. Whilst the proposed payphone kiosk would be open on one side with glazed panels, its considerable footprint and height, substantial overhanging roof form and black metal frame would result in a tall, solid, bulky and discordant element within the street scene in a highly prominent location. When viewed from Park Row and City Square the proposed development would be seen directly in front of the listed chapel and its entrance gate and wall and would thus appear highly conspicuous, impinging on the setting of the listed building.

Appeal J - Outside Leeds Station, Wellington Street, Leeds LS1 4DT

35. Situated on the footway south of Wellington Street outside Leeds railway station, the appeal site is prominent within the CA and forms part of the setting of the adjacent stripped Classical style Grade II listed Railway Company Offices and Queens Hotel. The wide paved space is an attractive, open and unified area of public realm which the small litter bins and bollards and slender signs, traffic signals and lighting columns do not unduly disrupt.
36. The tall, cumbersome and utilitarian form of the proposed kiosk would create a discordant element of clutter within the street scene and would detract from the open setting of the listed buildings.

Appeal K - Outside 83 Briggate, Leeds LS1 6LH

37. The appeal site is located in the city centre retail core at the northern end of Briggate, a pedestrianised street near the junction with The Headrow, within the CA and opposite the Grade II listed buildings at 88- 91 and 92-93 Briggate. There is a variety of street furniture in the vicinity, which gives rise to physical and visual obstructions. At the time of my site visit, which took place during the middle of the day, the street was extremely busy.
38. The considerable footprint, bulk and height of the proposed development would add to the existing clutter within the street, creating a visual and physical obstruction. Consequently, the proposal would impede views across the space, appear incongruous in the context of this heritage rich street scene, detract from the setting of the nearby listed buildings and hinder pedestrian flows.

Appeal L - Outside Debenhams, King Edward Street, Leeds LS1 6AX

39. The proposed kiosk would be located on King Edward Street within the CA and the city centre retail core. With the exception of servicing vehicles which use the street in the early morning and evening, the street is pedestrianised and, based upon the submitted evidence and observations during my site visit which took place around midday, experiences considerable pedestrian footfall. The street is an attractive, unified and uncluttered paved space with only a limited amount of street furniture, which forms part of the setting of the Grade II listed arcades on the north and south sides of the street and the many fine examples of historic shopfronts. The kiosk would be sited between the 2 rows of bollards which delineate the central area used by service vehicles, near the Debenhams store's delivery doors.
40. The kiosk's height, unwieldy form and weighty appearance would create a discordant feature in a prominent location, undermining the openness and cohesiveness of the high quality public realm. The utilitarian structure would be conspicuous against the historic backdrop of the richly detailed pink brick and terracotta listed buildings and elegant shopfronts.
41. Due to the substantial footprint and bulk of the kiosk, and its siting on a busy shopping street, the proposal would be likely to obstruct pedestrian movement. Whilst it is expected that vehicle speeds would be low, the siting of the kiosk in a shared space could reduce inter-visibility between pedestrians and service vehicles, resulting in greater potential for conflict. In addition, the siting of the structure could hinder the efficient delivery of goods to the adjacent retail unit.

Appeal M - Outside Holy Trinity Church, Boar Lane, Leeds LS1 6HW

42. The appeal site is located on the footway on the north side of Boar Lane within the CA and in front of the entrance to the Grade I listed Holy Trinity Church. The wide paved area immediately south of the church provides an open and attractive setting to the listed building and, although long, the nearby bus shelter to the east of the appeal site is predominantly glazed with slender silver coloured frames which give it a lightweight transparent appearance. Boar Lane is a busy road and a large number of buses serve the bus stop adjacent to the appeal site. During my site visit, which took place in the early afternoon, I observed 2 buses stopping at once and noted that the bus layby extends considerably further west than the appeal site finishing at the junction with Bank Street. At the time of my site visit, there were significant pedestrian flows in both directions along the footway in the vicinity of the appeal site. I also noted a north-south pedestrian desire line which is not served by a formal pedestrian crossing in this location, resulting in people crossing the road at various points near the site.
43. The significant height and mass of the proposed kiosk, together with its substantial black frame and bulky roof would result in a weighty inharmonious feature in the street scene which would be insensitively sited in front of the historic church entrance, disrupting the strong architectural rhythm of the vertical bays and fenestration.
44. Given the close proximity to the busy bus stop, which is likely to attract long queues of passengers at peak hours, and the significant pedestrian flow along the footway in front of the bus stop, the siting of a tall and bulky structure with a sizeable footprint close to the kerb edge would create a considerable physical obstruction which would hinder pedestrian movement. At busy times, when there are long queues at the bus stop, this may result in people stepping out into the carriageway and potentially coming into conflict with approaching vehicles. Moreover, the kiosk would create a visual obstruction which could reduce the inter-visibility between pedestrians crossing the road and drivers.

Appeal N - Outside Victoria Gate, George Street, Leeds LS2 7JA

45. The appeal site is located at the southern end of Harewood Street near the junction with George Street in an upgraded area of high quality public realm adjacent to the new Victoria Gate development. Situated adjacent to the boundary with the CA, the site is in close proximity to the imposing stone and granite Flemish style Grade I listed City Markets to the south, the elaborately detailed terracotta clad Grade II listed building to the west at 50-56 Vicar Lane, and the Jacobean style brick Grade II listed Wray's Buildings to the north. The street is pedestrianised and, at the time of my site visit in the early afternoon, I noted moderate pedestrian flows in both directions.
46. The introduction of a tall and bulky kiosk with a substantial black frame and large overhanging roof would detract from the unified appearance of the public realm and the setting of the listed buildings. Moreover, although not shown on the submitted drawings, during my site visit I noted that the kiosk would be situated directly in front of a large plinth mounted gateway sign which stands at the southern end of the street, and would consequently appear particularly incongruous.

47. Because the proposed kiosk would stand immediately in front of the plinth mounted sign, the appeal proposal would not obstruct pedestrian movements or hinder inter-visibility between pedestrians and drivers.

Conclusions

48. With regard to the first main issue, for the reasons set out above, in all cases I conclude that the siting and appearance of each proposed payphone kiosk would have a harmful effect on the character and appearance of the area and, in the case of appeals A, B, C, E, F, G, I, J, K, L, M and N, would fail to preserve or enhance the character or appearance of the CA. Moreover, in the case of appeals A, B, C, E, F, G, H, I, J, K, L, M and N, I conclude that the proposals would fail to preserve the setting of the nearby listed buildings.
49. As set out in the Framework, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. In the case of appeals A, B, C, E, F, G, H, I, J, K, L, M and N, I have concluded that the siting and appearance of each proposed payphone kiosk would cause harm to designated heritage assets. In the parlance of the Framework, in each case this harm is less than substantial. However, any harm requires clear and convincing justification. The social and environmental benefits of the appeal proposals identified above do not amount to public benefits which convincingly outweigh the harm to the heritage assets and to the character and appearance of the area.
50. With regard to the second main issue, for the reasons given above I conclude that, in the case of appeals A, B, C, D, E, G, H, K, L and M, the siting and appearance of each proposed payphone kiosk would have a harmful effect on the safe and efficient operation of the highway. The social and environmental benefits of the proposals set out above would not outweigh this harm. In the case of appeal N, I conclude that there would be no harm to the safe and efficient operation of the highway; however a lack of harm in this respect is a neutral factor which does not weigh for or against the proposal.
51. In view of my conclusions, appeals A, B, C, E, G, H, K, L and M would be contrary to the design, heritage conservation and enhancement, amenity protection and sustainable transport aims of the Framework. Appeal D would be contrary to the design, amenity protection and sustainable transport aims of the Framework. Appeals F, I, J and N would be contrary to the design and heritage conservation and enhancement aims of the Framework.
52. For the reasons set out above, and having had regard to all other matters raised, I conclude that the appeals should be dismissed.

CL Humphrey

INSPECTOR