
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: 06 December 2017

Appeal Ref: APP/L5810/W/17/3179421

Pavement outside 145 Church Road, Barnes, London

- 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 17/1348/TEL, dated 5 April 2017, was refused by notice dated 5 June 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 Matters

2. I have taken the description of development from the appeal form which adequately describes the proposal. I have also changed the address of the appeal site to that given on the Council's decision notice which more accurately describes the location.
3. I acknowledge that representations have been received from third parties raising concerns that the kiosk will 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) including the setting of 145 Church Road, a nearby Building of Townscape Merit and ii) pedestrian accessibility along the highway and highway safety.

Reasons

Character and Appearance

5. The kiosk would be sited in a highly visible location adjacent to the junction of five roads which forms the eastern gateway to the CA. No 145 Church Road is a prominent and imposing four storey building at the corner of Church Road
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and Castelnau. The co-ordinated use of different external materials; projecting bays and similarity in the proportion and spacing of windows at upper floor levels and a well-proportioned ground floor shop frontage with discreet signage and colouring results in a high quality of design and strong sense of visual cohesion as the building turns the street. It is undisputed by the parties that this building has been designated by the Council as a Building of Townscape Merit. In terms of the wider CA, the Council's CA summary document identifies the area as characterised by a continuous frontage of small shops many of which retain good architectural details.

6. Information submitted in support of the proposal shows that the kiosk would be situated between a group of cycle stands and a signalised pedestrian crossing. However it would appear from my visit that since the application was made additional cycle stands have been constructed which would physically conflict with and therefore obstruct the siting of the proposed kiosk.
7. Notwithstanding this, even if the additional cycle stands were to be removed, the presence of the kiosk, taking into account its juxtaposition with remaining cycle stands and traffic signals, would begin to develop a sense of clutter around what is at present a relatively open corner location. The build-up of street furniture in this visually sensitive location, combined with the functional appearance of the kiosk would, despite its limited scale and relatively simple design, form a visual distraction from and appear incongruous with the aforementioned architectural quality of No 145 Church Road. Furthermore I am mindful that the CA summary document specifically identifies the clutter of signage and street furniture to be a problematic feature, albeit in general terms.
8. I therefore find that the proposal would result in harm to the setting of No 145 Church Road which, in terms of its architectural detail, I consider to be an important component of the character and appearance of the CA. The proposal would therefore fail to preserve the whole of the CA. 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 Movement and Highway Safety

12. Notwithstanding my concerns regarding the conflict of the site with existing cycle stands, the pavement in this location is broad such that the development would not interfere with the natural desire line for convenient pedestrian movement. I conclude that the proposal would not therefore result in harm to pedestrian accessibility along the highway.
13. The Council has raised the concern that the kiosk would be detrimental to intervisibility between drivers approaching this junction and pedestrians waiting to cross. However it was evident from my visit that the signalised nature of this junction means that traffic and pedestrian movements are highly regulated so as to avoid such conflict. There would be no significant interference with visibility and I am not therefore persuaded that the proposal would result in harm to highway safety.
14. Accordingly there would not be conflict with Policy DM TP 6 of the DMP or Policy LP 44 of the LP insofar as they seek to protect the pedestrian environment, avoid barriers to movement and ensure the safety of the road network.

Conclusion

15. I have found that the proposal would not result in harm to pedestrian movement or to highway safety. 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, and having taken into consideration all other points raised, the appeal should be dismissed.

Roy Merrett

INSPECTOR