
Appeal Decision

Site visit made on 7 November 2017

by Jonathan Tudor BA (Hons), Solicitor (non-practising)

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

Decision date: 21 December 2017

Appeal Ref: APP/L5810/W/17/3181121

Lower George Street, in front of 1-3 (Whole Food Market), Richmond TW9 1AB

- 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 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 17/1957/TEL, dated 17 May 2017, was refused by notice dated 10 July 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 in the banner heading above from the appeal form, as it more clearly describes the proposal than the description contained in the planning application form.
3. A local resident has raised concerns about the potential use of the kiosk for advertising. However, only the construction of the payphone kiosk is being considered in this appeal and not advertisement consent, which would be a separate matter.
4. The principle of this type of development is already established under Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). The local planning authority is required to assess the proposal solely in relation to matters of siting and appearance. I have determined this appeal on the same basis.

Main Issues

5. The main issues are the effect of the siting and appearance of the proposed payphone kiosk on:
 - the character and appearance of the street scene, including the Central Richmond Conservation Area (CA) and the settings of nearby listed buildings and non-designated heritage assets; and,
 - pedestrian movement on the highway.

Reasons

Character and appearance

6. The appeal site is located in a busy commercial shopping area. Lower George Street exhibits a variety of buildings of different types, heights and styles. It is, however, significant that the buildings on its northern side are locally designated as Buildings of Townscape Merit (BTM) and that the site is located within the CA with a number of Grade II listed buildings nearby, on The Square and along Sheen Road.
7. Although a relatively short thoroughfare, Lower George Street is a pleasant pedestrianised area characterised by trees, benches and public seating outside some of the cafes and food outlets. The Council advises that the street scene is further enhanced by hanging baskets during the summer months. Whilst the street is relatively wide, the trees and seating, along with lamp posts, bike hoops, a notice board and an existing phone kiosk provide visual interest and public facilities.
8. The new kiosk would be approximately 2.6 metres high, 1.4 metres wide and 1.3 metres deep. Although the structure would be mainly glazed, its asymmetrical black metal frame, bulky roof and utilitarian design would appear prominent at the eastern entrance to Lower George Street. The CA Statement, referred to by the Council, recognises the challenge of retaining the character and appearance of the area and comments on pressures leading to a '*clutter of signage and street furniture*'. The Council advises that it has invested in recent years in reducing and removing such street clutter from Richmond town centre. That initiative is recognised in the CA Statement in relation to Lower George Street.
9. Whilst the appellant submits that a range of street furniture is expected in busy, vibrant commercial areas, the proposal would introduce a relatively substantial and noticeable structure at a prominent location in the immediate proximity of a number of BTM. Given the existing street furniture, it would, incrementally and cumulatively, add to visual clutter in the street scene, harming the character and appearance of this attractive pedestrianised thoroughfare.
10. I am mindful of the protection afforded by statute¹ and the great weight attributed by National Planning Policy Framework (the Framework)² to the conservation of designated heritage assets. As the CA statement identifies the proliferation of street furniture and clutter as having a negative impact, I also find that the proposed kiosk would fail to preserve or enhance the character or appearance of the CA.
11. The various listed buildings in the vicinity are further from the immediate site of the proposed kiosk. Many of those listed buildings have active street frontages with commercial outlets on the ground floors. Although, the kiosk would be in the field of vision in some view towards them, on balance, I do not consider that it would materially harm their settings or significance. Therefore, I do not find conflict with policy DM HD2 of the Local Development Framework

¹ s72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

² Paragraph 132

Development Management Plan (DMP)³, which aims to protect the settings of listed buildings, as does similar Framework policy and statute.

12. Whilst I have found that the proposal would harm the CA, I consider that the harm caused by one payphone kiosk would be less than substantial. In such circumstances, paragraph 134 of the Framework advises that the harm should be weighed against the public benefits of the proposal.
13. The design would allow for wheelchair access and the use of solar power for interior light would be a sustainable, energy efficient solution. The Framework indicates that communications infrastructure is essential for sustainable economic growth and plays a vital role in enhancing the provision of local community facilities and services.⁴ However, the appellant has not made a persuasive case for the specific locational need. I give limited weight to the public benefits of the proposal which would not outweigh the harm to the CA which I have identified.
14. It is the above factors that lead me to conclude that the siting and appearance of the proposed payphone kiosk would harm the character and appearance of the street scene and the CA. It would, therefore, conflict with policy CP7 of the Local Development Framework Core Strategy (CS)⁵ which seeks to protect buildings and areas of recognised high quality and historic interest from inappropriate development. The proposal would also be contrary to policies DM DC1, DM HD1 and DM HD3 of the DMP which seek to ensure that development respects local character, conserves and enhances the character and appearance of the CA and the setting of BTM. It would fail to accord with similar aims in emerging policies LP1, LP3 and LP4 of the Local Plan Publication version for consultation (LPPVC)⁶.

Pedestrian movement

15. The kiosk would be sited about 3.8 metres from vehicular traffic passing along Eton Street, which runs adjacent to the eastern end of Lower George Street. Therefore, it would not obstruct or interfere with pedestrians crossing that road or affect highway safety.
16. It would be in front of an existing line of obstructions, including lamp posts, trees, cycle racks and a bench. Pedestrians already navigate that existing street furniture and there would remain a significant area of pavement either side of the kiosk along this pedestrianised street. The kiosk would also be sufficient distance from the cycle racks to avoid interfering with their use. Therefore overall, whilst I accept that the area is a busy thoroughfare and can become congested, the pedestrian flow would not be significantly affected.
17. Consequently, the siting of the proposal would not harm pedestrian movement along the highway. It would not, therefore, materially compromise policy DM TP6 of the DMP, which seeks to ensure that that new development does not adversely impact on the pedestrian environment and access. Policy DM TP7 is cited in the decision notice but I do not appear to have been supplied with a copy of that policy. Neither is the alleged conflict with it explained in the

³ Adopted November 2011

⁴ Paragraph 42

⁵ Adopted April 2009

⁶ 4 January – 15 February 2017

Council's submissions. I see no clear conflict with policy LP 44 of LPPVC which, in any case, would have more limited weight due to its emerging status.

Conclusion

18. Although there would be no adverse effect on the movement and safety of pedestrians, the material harm that I have identified to the character and appearance of the street scene and the CA is decisive.
19. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR