
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: 22 December 2017

Appeal Ref: APP/L5810/W/17/3181114

The Quadrant, in front of No 21 (Lloyds Bank), Richmond TW9 1BP

- 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 17/1958/TEL, dated 17 May 2017, was refused by notice dated 11 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. Only the construction of the payphone kiosk is being considered in this appeal and not advertisement consent.
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 and Central Richmond Conservation Area (CA); and,
 - the pedestrian environment and highway safety.

Reasons

Character and appearance

6. The appeal site is located on a widened stretch of pavement outside 21 The Quadrant, along a busy commercial shopping street in central Richmond not far from the railway station. To the immediate south west, the Conservation Area Study¹ describes the convex curve of 1-18 The Quadrant, '*a purpose built parade*', which '*is a good example of confident Victorian commercial architecture and a positive element of the townscape.*' The Council identifies those buildings and others in this part of the CA as Buildings of Townscape Merit (BTM).
7. As I saw on my site visit, this side of the Quadrant is relatively unencumbered by street furniture, aside from litter bins at the appeal location. The proposed kiosk would be approximately 2.6 metres high, 1.4 metres wide and 1.3 metres deep. Given those dimensions, although it is mainly glazed, the asymmetrical black metal frame, bulky roof and utilitarian design would introduce an obtrusive structure into the street scene.
8. Statute requires that special attention shall be paid to the desirability of preserving or enhancing the character and appearance of conservation areas.² My attention has also been drawn to the Conservation Area Statement which identifies '*lack of coordination and poor quality of street furniture*' and '*clutter of signage and street furniture*' as some of the problems and pressures on the CA. The kiosk would materially contribute to those negative aspects and have a detrimental visual impact within the CA. It would adversely affect views southwest towards the Victorian shopping parade which also frames the upper parts of the grade II listed Dome Buildings and Clock Tower in the distance. Moreover, it would also clutter views towards the elegant Railway Hotel just across the road to the northwest, which dates from 1888.
9. The National Planning Policy Framework (the Framework)³ indicates, at paragraph 132, that great weight should be given to the conservation of designated heritage assets, such as the CA. Although I have identified harm to the CA, given that the proposal is for one payphone kiosk, the harm would be less than substantial. Therefore, paragraph 134 of the Framework requires that the harm is balanced against any public benefits of the proposal.
10. It is acknowledged that the kiosk would be wheelchair friendly and its lighting would be sustainably powered via a solar unit. The Framework also points out 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 compelling case regarding the specific locational need. Overall, I consider that the public benefits in this case have limited weight and would not overcome the identified harm to the CA.
11. Therefore, the siting and appearance of the proposed development would adversely affect the character and appearance of the street scene and the CA. Consequently, it would conflict with policy CP7 of the Local Development

¹ Central Richmond, Richmond Green & Richmond Riverside Conservation Areas Study (Published January 2001)

² s72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

³ Published March 2012

⁴ Paragraph 42

Framework Core Strategy (CS)⁵ which aims to protect buildings and areas of recognised high quality and historic interest from inappropriate development. The proposal would breach policies DM DC1, DM HD1 and DM HD3 of the Local Development Framework Development Management Plan (DMP)⁶ which seek to ensure that development respects local character, conserves and enhances the character and appearance of the CA and the settings of BTM. It would also be unsympathetic to the similar aims of emerging policies LP1, LP3 and LP4 of the Local Plan Publication version for consultation (LPPVC).⁷

Pedestrian environment and highway safety

12. As the kiosk would be sited on a widened part of the pavement, a 2 metre gap would remain for pedestrians. However, the Council advises that this is a particularly busy and congested stretch of the Quadrant as it connects Richmond Railway Station with the town centre.
13. Two ATM cashpoint machines at Lloyds Bank are next to the appeal site. The current wider pavement area would accommodate possible queues at those facilities and mitigate any obstruction to free pedestrian movement along the footway. Taking up that space with a kiosk would funnel pedestrians into a narrow area which would be likely to lead to congestion. It could also result in walkers stepping out onto the road to avoid the bottleneck and put them at risk from traffic and buses pulling in to the adjacent bus stop.
14. The Council expresses concern about the kiosk affecting sightlines for drivers emerging from the side road (Quadrant Road) onto The Quadrant. However, given that the kiosk would be located 5.84 metres from the corner, it would not significantly affect visibility of traffic travelling in a southerly direction, as that would be in the far lane on the other side of the road.
15. I conclude, therefore, that the proposed kiosk would have an adverse effect on the pedestrian environment by inhibiting the movement of people. Whilst I have not found danger to drivers of vehicles emerging from Quadrant Road, pedestrians could be put in harm's way if forced to step out onto the road because of the congestion caused by the funnelling effect of the kiosk.
16. Consequently the proposal would conflict with policy DM TP6 of the DMP and emerging policy LP44 of the LPPVC, which seek to ensure that that new development does not adversely impact on the pedestrian environment and provides safe and convenient walking routes.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR

⁵ Adopted April 2009

⁶ Adopted November 2011

⁷ 4 January – 15 February 2017