
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: 04 January 2018

Appeal Ref: APP/L5810/W/17/3181117

In front of Russell & Bromley, George Street, Richmond TW9 1HY

- 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 17/1954/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, including the Central Richmond Conservation Area (CA) and the settings of non-designated heritage assets; and,
 - pedestrian movement and highway safety.

Reasons

Character and appearance

6. The appeal site is located on a projecting part of the pavement to the front of 35-36 George Street. This is a busy commercial shopping area with various types and styles of buildings, most with ground floor shop frontages. The site lies within the CA.
7. As this part of George Street forms the entrance to a pedestrianised area which runs east along Lower George Street, it is protected by various post and spherical bollards which prevent vehicular access. There is also a variety of other street furniture in the vicinity including lamp posts, cycle racks, payphones and street trees. Indeed the new payphone kiosk would be located immediately next to a low-walled, raised bed in which a large tree stands and be adjacent to cycle racks.
8. Nos 35-36 are locally designated Buildings of Townscape Merit (BTM), as is No 39 not far away on the corner with Lower George Street. No 39 is one of a number of late Victorian buildings which are considered in the CA Statement to make a valuable contribution the character of the town centre. It is also cited in the Conservation Area Study.¹ Looking towards Lower George Street, these buildings and the tree in front form a rich and interesting visual experience which contributes towards the significance of the CA. The CA Statement draws attention to the negative effects on the CA caused by '*a lack of coordination and poor quality of street furniture*' and pressures leading to a '*clutter of signage and street furniture.*'
9. A black, metal framed kiosk, about 2.6 metres high and of asymmetrical design, would appear prominent at this corner location close to the road. Even taking account of more modern shopfronts at ground floor level, the kiosk would be prominent in the foreground in views towards Lower George Street and have an adverse effect on the street scene and settings of BTM. There is already a range of street furniture in the area and a further kiosk would add to street clutter and fail to preserve the character and appearance of this central part of the CA, thereby harming the CA as a whole.
10. The National Planning Policy Framework (the Framework)² advises that great weight should be given to the conservation of designated heritage assets, such as conservation areas. Nevertheless, the harm caused by one payphone kiosk would, in relative terms, be less than substantial. In such circumstances, paragraph 134 of the Framework advises that the harm should be weighed against any public benefits associated with the proposal.
11. The design would enable wheelchair access and energy efficient solar lighting is proposed which are both positive. The Framework advises that communications infrastructure is essential for sustainable economic growth and plays a vital role in enhancing the provision of local community facilities and services. However, I am not convinced of the specific locational need for the payphone kiosk or how specifically it would enhance the shopping experience. Therefore, I give limited weight to the public benefits of the proposal which would not outweigh the identified harm to the CA.

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

² Published March 2012

12. Overall, I conclude that the siting and appearance of the payphone kiosk would harm the character and appearance of the street scene, the CA and the settings of BTM. It would, therefore, be contrary to policy CP7 of the Local Development Framework Core Strategy (CS)³ which seeks to protect buildings and areas of recognised high quality and historic interest from inappropriate development. The proposal would also conflict with policies DM DC1, DM HD1 and DM HD3 of the Local Development Framework Development Management Plan (DMP)⁴ 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 fail to accord with similar aims in emerging policies LP1, LP3 and LP4 of the Local Plan Publication version for consultation (LPPVC).⁵

Pedestrian movement and highway safety

13. The Council says that the appeal location is on a busy stretch of George Street connecting Richmond Railway Station with the Town Centre and at the end of a busy pedestrianised thoroughfare. However, as the payphone kiosk would be sited next to a walled raised bed area with bicycle racks and bollards alongside, there are already obstructions which would deter pedestrians from choosing that route. Moreover, a wide stretch of pavement would remain available for pedestrians between the kiosk and the shop frontages to the south.
14. The Council does not explain the basis for the safety implications which it holds would arise from the siting of the kiosk 1.2 metres from the road and vehicle traffic using George Street. Given that pedestrians would already be discouraged from crossing at that point by existing spherical bollards and a kiosk would be a further deterrent, I do not see in what specific way highway safety would be compromised.
15. I conclude, therefore, that the proposal would not significantly hinder pedestrian movement or harm highway safety. It follows that it would not be contrary to policy DM TP 6 of the DMP, insofar as it seeks to ensure that new development does not adversely impact on pedestrian access and safety. Nor do I find conflict with similar aims within policy LP 44 of LPPVC which, in any case, would have more limited weight due to its emerging status.

Conclusion

16. Although I have not found harm in respect of the movement and safety of pedestrians, the material harm that I have identified to the character and appearance of the street scene, the CA and the settings of BTM is decisive.
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

³ Adopted April 2009

⁴ Adopted November 2011

⁵ 4 January – 15 February 2017