
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/17/3181111

George Street, in front of No 80 (House of Fraser), Richmond TW9 1HA

- 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 17/1956/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 address and description of development in the banner heading above from the appeal form, as they more clearly describe the proposal and its location than the details 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 nearby listed buildings and non-designated heritage assets; and,
 - pedestrian movement and safe and convenient access to cycle parking.

Reasons

Character and appearance

6. The appeal site is located outside a House of Fraser store near a junction with King Street and Hill Street in the busy commercial shopping area of central Richmond. There are a number of locally designated Buildings of Townscape Merit (BTM) and some listed buildings in the vicinity. The site lies within the CA.
7. A tree, lamp post, double pillar box, 8 cycle hoops and a litter bin are already located on the section of pavement where the payphone kiosk is proposed. A zebra crossing is also sited at the nearby junction with King Street. The proposed location of the kiosk would appear, from the submitted plans and illustrative photograph, to be amongst or next to the existing cycle hoops.
8. The CA Statement identifies an increasing clutter of signage and street furniture as one of the challenges to maintaining the character and appearance of the CA and suggests that such items need to be rationalised rather than added to. Indeed, the Council advises that it has invested in initiatives to reduce street clutter and widen pavements in recent years. Whilst it would be glazed and seen in a context of a modern shopfront, a relatively substantial black metal framed kiosk of an asymmetrical, utilitarian design, at 2.6 metres high, would add to the existing visual clutter of street furniture to the detriment of the character and appearance of the area and the wider CA.
9. Although there are a number of BTM in the area and some listed buildings along King Street, which contribute to the character and appearance of the CA, they are a reasonable distance away or on the other side of the road from the appeal site. Therefore, on balance, I do not find that the kiosk would cause specific harm to their individual settings. However, that does not negate the overall cumulative harm to the CA.
10. Statute¹ and the National Planning Policy Framework (the Framework)² place great weight on the conservation of heritage assets, such as conservation areas. However, paragraph 134 of the Framework recognises that there may be instances where, if the harm caused is less than substantial, it could be outweighed by the public benefits of a proposal. As the development would consist of just one payphone kiosk the scale of the harm caused would be less than substantial. Therefore, such a balancing exercise is appropriate.
11. The payphone kiosk would be accessible to wheelchair users. It would also utilise sustainable solar lighting. Those factors weigh in its favour. I am also conscious of the Framework's recognition, in paragraph 42, of the important role of communications networks in enhancing local community facilities and services. However, it is not clear from the appellant's submissions in what specific way a payphone kiosk would significantly enhance such community facilities and services, especially given the ubiquity of mobile phones. Neither am I convinced that its presence in the street scene would enhance the shopping experience, as suggested by the appellant. In any event, I consider that the overall public benefits are limited and do not outweigh the harm caused to the CA.

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

² Published March 2012

12. The above considerations lead me to conclude that the siting and appearance of the payphone kiosk would harm the character and appearance of the street scene and the CA. It follows that the proposal would conflict with 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. It would also be contrary to policies DM DC1, DM HD1 and DM HD3 of the Local Development Framework Development Management Plan (DMP)⁴ which, amongst other things, aim to ensure that development respects local character and conserves and enhances the character and appearance of the CA. Furthermore, it would fail to accord with similar aims in emerging policies LP1 and LP3 of the Local Plan Publication version for consultation (LPPVC).⁵

Pedestrian movement and safe and convenient cycle parking

13. The appellant suggests that the selected location of the kiosk is '*a considerable distance from the bike hoops*'. However, although the submitted plans do not identify the existing 8 bike hoops, based on those plans and my site visit, it would appear that the kiosk would be positioned in the same place as some of the bike hoops. That view appears to be supported by the submitted site plan which indicates a '*new location for cycle hoops x 2*', nearer the corner. Therefore, it is reasonable to conclude that the applicant's original intention was that some of the bike hoops would be relocated to accommodate the kiosk. I note that the Council drew a similar conclusion, as their Access Team stated that the Council would not agree to move the cycle hoops to the new corner location.
14. As the proposal would be sited in alignment with existing bike hoops and other street furniture, it would not directly affect pedestrian desire lines. Therefore, I do not find direct conflict with policy TMP 6 of the DMP. However, given the above, the size of the kiosk and its proximity to the line of cycle hoops would be likely to impede safe and convenient access to them on this relatively narrow part of the pavement in a busy shopping area. There would, therefore, be some conflict with emerging policy LP 44 of the LPPVC, which aims to ensure the provision of safe and convenient cycling and with the promotion of safe and accessible cycling in the Framework.

Conclusion

15. 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