
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/17/3181110

O/s Lloyds Pharmacy, 19-21 Station Parade, Kew, Richmond TW9 3PS

- 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 17/1948/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 Kew Gardens Conservation Area (CA) and the settings of a listed building and locally designated Buildings of Townscape Merit (BTM); and,
 - pedestrian movement along the highway.

Reasons

Character and appearance

6. Station Parade is a pleasant tree-lined avenue adjacent to Kew Gardens Station and within the CA. The appeal site is located on the pavement outside Nos 19-21, a prominent two storey corner building opposite the station. The majority of the Edwardian terraced buildings on each side of Station Parade, including Nos 17-23, are locally designated BTM, constructed of red brick with bay windows and decorative features above ground floor commercial outlets. The CA Statement considers that the shops and cafes of Station Parade along with the adjoining Station Approach *'form a distinctive and cohesive group of buildings with the station.'*
7. The existing street furniture and trees, positioned at regular intervals, are located within a defined gravelled strip along the pavement next to the road, which leaves the main paved area free for pedestrians. That arrangement provides a visual symmetry to views along Station Parade which enhances the appearance of the area and the settings of the BTM. The gravel strip outside Nos 19-21 is already occupied by a red post box, a short parking signpost and two bike racks with a large tree at either end of the section. To the immediate east, along the continuation of the gravel strip is a litter bin, an existing payphone kiosk and a heritage lamp post. Opposite, on the other side of the road is a further bike rack, a bench, a lamp post and another payphone kiosk.
8. In the CA Statement a list of *'Problems and Pressures'* on the CA includes *'lack of coordination and poor quality of street furniture and flooring'* and *'domination of traffic and poor pedestrian safety leading to clutter of signage and street furniture'*. It is clear that the positioning of the existing street furniture along Station Parade has been carefully considered by the Council and confined to a demarcated strip, which benefits the character and appearance of the area. Part of the proposed kiosk would be within that gravelled area but part of it would overlap onto the paved area of the street. Its siting would, therefore, be poor and out of keeping with that of other street furniture along Station Parade.
9. Moreover, given that there is already a range of street furniture along the road, a black, metal framed kiosk, of an asymmetrical and utilitarian design, spanning the gravel and paved areas, would result in additional visual clutter in a sensitive area. Even allowing for a backdrop at ground floor level of more modern shopfronts, that increase in visual clutter in a poor position would have an adverse effect on the character and appearance of the street scene, the CA and the settings of BTM in this visually attractive area.
10. The Council refers to an adverse effect on the setting of the listed Kew Gardens Station. Although it is referred to as grade I listed in the decision notice, the copy of the listing description supplied refers to it as grade II. Nevertheless, any effect on its setting is an important consideration. Whilst the station makes an important contribution to the CA, it is sufficiently separated from the appeal site for its setting not to be adversely affected by the proposal.
11. It is also suggested by the Council that the location of the kiosk appears to be within the root protection area of a significant street tree. However, insufficient evidence has been presented by the main parties to enable me to reach a clear finding on that aspect.

12. Although I have identified harm to the CA, in terms of paragraph 134 of the National Planning Policy Framework (the Framework)¹, the harm caused by one payphone kiosk would be less than substantial. Therefore, it should be balanced against the public benefits of the proposal.
13. It is acknowledged that the open fronted design would be wheelchair friendly and that sustainable solar energy would provide lighting. Those are both positive factors in favour of the proposal. The Framework also recognises the essential contribution of communications infrastructure to sustainable economic growth and its vital role in enhancing the provision of local community facilities and services. However, the specific nature of that contribution at this location is not explained in any detail within the appellant's submissions. It seems to me that the public benefits are limited and are insufficient to outweigh the harm to the CA which I have identified.
14. Overall therefore, I conclude that the proposal would harm the character and appearance of the street scene in this part of the CA and the settings of adjacent BTM. Therefore, it would fail to preserve or enhance the character and appearance of the CA as a whole. Consequently the proposal would be contrary to policy CP7 of the Local Development Framework Core Strategy (CS)², which seeks to protect buildings and areas of recognised high quality and historic interest from inappropriate development. It would also conflict with policies DM DC1, DM HD1 and DM HD3 of the Local Development Framework Development Management Plan (DMP)³ 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 fail to accord with similar aims in emerging policies LP1, LP3 and LP4 of the Local Plan Publication version for consultation (LPPVC).⁴
15. As I found no adverse effect on the setting of the listed Kew Gardens Station, the proposal would not conflict with policy DM HD2 of the DMP. Neither would there be clear conflict with policy DMDC 4 of the DMP or emerging policy LP 16 of the LPPVC, as I was unable to reach a conclusion on the possible effect of the proposal on trees.

Pedestrian movement

16. The siting of the kiosk would impinge on part of the paved area of the footway. However, although this is a main thoroughfare to the station, as well as the other side of the road, there is another access via Station Approach. There would also still be sufficient gaps along the pavement to access parked cars and cross the road. Therefore, given the above and that about 3.4 metres width of pavement would remain available for walkers, there would not be a significant effect on the functional movement of pedestrians. Consequently, there would be no conflict with policy DM TP6 of the DMP or policy LP44 of the LPPVC which aim to safeguard pedestrian access and safety.

Conclusion

17. Although I have not found harm in respect of the movement of pedestrians or to the setting of listed buildings, the material harm that I have identified to the

¹ Published 2012

² Adopted April 2009

³ Adopted November 2011

⁴ 4 January – 15 February 2017

character and appearance of the street scene, the CA and the settings of BTM is decisive.

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

Jonathan Tudor

INSPECTOR