
Appeal Decision

Site visit made on 8 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: 05 January 2018

Appeal Ref: APP/L5810/W/17/3181122

High Street, outside No. 23 (Lloyds Bank), Teddington, Richmond TW11 8EX

- 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 17/1953/TEL, dated 17 May 2017, was refused by notice dated 18 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 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 High Street (Teddington) Conservation Area (CA), and on the settings of grade II listed buildings; and,
 - pedestrian movement along the highway.

Reasons

Character and appearance

6. The appeal site is located on the pavement outside Lloyds Bank on Teddington High Street, which is described in the CA Statement¹ as having '*a traditional high street character of mainly specialist shopping, importantly retaining an exceptional number of original shopfronts*'. Many of the buildings in the area are Victorian or Edwardian two or three storey terraces with retail outlets on the ground floors.
7. The grade II listed Lloyds Bank building at No 23 is later, dating from 1929, and constructed of Portland stone. Its listing description notes its '*strikingly original design, double-height street front concave with projecting semi-circular domed entrance porch with round-headed doorway*.' The doorway is flanked by round-headed windows on either side. It makes a significant contribution to the CA, as confirmed by the CA Statement which describes it as an exceptional 'modern' building.
8. Looking across from the south side of High Street, the domed entrance of the Lloyds Bank building is attractively framed by a tree on either side. Whilst the kiosk would be near the road, it would be positioned between the two trees. Although glazed, at about 2.6 metres high and 1.1 metres wide, the black metal frame and asymmetrical, utilitarian design of the kiosk would, sited immediately to the fore of the domed entrance, have a significant adverse effect on the setting of that important grade II listed building.
9. There would not be a detrimental effect on the setting of the grade II listed Elmfield House and its associated gardens which are some distance further from the appeal site to the west.
10. The CA Statement and the recent Hampton Wick and Teddington Village Planning Guidance Supplementary Planning Document (SPD)² both identify a '*lack of coordination and poor quality of street furniture*' and '*domination of traffic and poor pedestrian safety, leading to clutter of signage and street furniture*' as presenting problems within the CA. Whilst some street furniture would be expected in a vibrant commercial shopping area, there are already, lamp posts, trees and bike racks on both sides of the road, along with road signage and a set of traffic lights in the immediate vicinity of the appeal site. In that context, an additional item of street furniture, in the form of a relatively prominent payphone kiosk, would increase the sense of visual clutter and have an adverse effect on the street scene and the CA.
11. I am particularly mindful of the protection afforded by statute³ and the great weight attributed by National Planning Policy Framework (the Framework)⁴ to the conservation of designated heritage assets, which include listed buildings, their settings and conservation areas. I have found that there would be substantial harm to the immediate setting of the grade II listed Lloyds Bank building. Paragraph 133 of the Framework indicates in such cases that consent should be refused for development unless it can be demonstrated that the harm caused is necessary to achieve substantial public benefits. Alternatively,

¹ High Street (Teddington) Conservation Areas 37

² June 2017

³ ss. 66(1) & 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

⁴ Paragraph 132

the proposal must meet all of a set of criteria which are not fulfilled or relevant to this scheme. In relation to the CA, I consider that the harm caused by one payphone kiosk would be less than substantial. In that case, paragraph 134 of the Framework also indicates that the harm should be weighed against the public benefits of the proposal.

12. The open fronted design of the payphone kiosk would be accessible to wheelchairs and mobility scooters and its lighting would be solar powered, which are both in its favour. The Framework also recognises the important role of communications infrastructure in supporting sustainable economic growth and in enhancing the provision of local community facilities and services.⁵ However, the appellant has not made a persuasive case for the specific locational need for a payphone kiosk. Overall, the public benefits would be of limited weight and insufficient to outweigh the harm identified to the setting of a grade II listed building and to the character and appearance of the CA.
13. Therefore, I conclude that the appearance and siting of the payphone kiosk would have an adverse effect on the character and appearance of the street scene, the CA and the setting of the grade II listed Lloyds Bank building. It follows that the proposal would conflict with policy CP7 of the Local Development Framework Core Strategy (CS)⁶, 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 HD2 of the Local Development Framework Development Management Plan (DMP)⁷ which, amongst other things, aim to ensure that development respects local character, conserves and enhances the character and appearance of the CA and the setting of listed buildings. Furthermore, it would fail to accord with similar aims in emerging policies LP1, LP3, LP4 and LP33 of the Local Plan Publication version for consultation (LPPVC).⁸
14. The Council has cited transgression of further policies in its decision notice. However, in the context of the harm which I have identified, policy OS3 of the DMP and emerging policy LP14 of the LPPVC, which are focussed on open land of townscape importance are not relevant. Neither do I see, on the basis of the evidence, that emerging policies LP 21, which is concerned with development contributing to flood risk, would be compromised by a payphone sited on an existing pavement.

Pedestrian movement

15. It is suggested by the Council that the siting of the kiosk would have an adverse effect on the pedestrian environment in an area with high footfall near a pedestrian crossing. As the kiosk would be located near the road between trees and in rough alignment with bike racks, it would not obstruct pedestrian desire lines and a reasonable width of pavement would remain available. Although the kiosk would be only about half a metre from the road, it would not obstruct a natural crossing point, as there is a pedestrian crossing a few metres away. Therefore, I do not find that there would be an adverse effect on pedestrian movement or access.

⁵ Paragraph 42

⁶ Adopted April 2009

⁷ Adopted November 2011

⁸ 4 January – 15 February 2017

16. It follows that the proposal would not conflict with policy DM TP6 of the DMP or emerging policy LP44 of the LPPVC, insofar as they seek to protect pedestrian access and provide safe and convenient walking routes.

Conclusion

17. Although I have not found harm in relation to pedestrian movement and access, the material harm which I have identified to the character and appearance of the street scene, the CA and the setting of a listed building 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