
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/17/3181109

High Street, outside No 68-78 (Sainsbury's Local), Hampton Hill, Richmond TW12 1NY

- 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 17/1952/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 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, Buildings of Townscape Merit (BTM) and the setting of the adjacent High Street (Hampton Hill) Conservation Area (CA); and,
 - pedestrian movement and safety.

Reasons

Character and appearance

6. The appeal site is located outside a Sainsbury's Local store on High Street in Hampton Hill. This area is predominantly low rise and commercial in nature although there is also some residential housing. Many of the buildings on this part of the high street are no more than two storeys with mainly retail outlets at ground floor level. Although outside the CA, the appeal site is immediately adjacent to and opposite the CA boundary, which encompasses much of High Street. It is described in the CA Statement as retaining a '*traditional village high street character*' and as '*enclosed by closely packed predominantly two storey Victorian buildings occupying traditional long narrow plots. This allows a series of views North and South along this wide and gently curving street.*'
7. There are already litter bins, a utilities cabinet, bollards and lamp posts near the appeal site along with an outdoor seating area associated with a café. There are also bike stands on the opposite side of the road. The payphone kiosk would be sited near the road on a widened section of pavement which would give it some prominence in the views north and south, referred to in the CA Statement. Although the Sainsbury's Local store is a functional building of little architectural merit, the Council advises that there are a significant number of BTM opposite and adjacent to the appeal site, which has not been disputed by the appellant. Although the kiosk would be seen in some views immediately against a modern shop frontage, it would also be noticeable in wider views towards BTM and the CA.
8. Problems and pressures on the CA, specifically identified in the CA Statement¹, include lack of coordination and poor quality of street furniture and a clutter of signage and street furniture. The Planning Practice Guidance (PPG) defines setting as the surroundings in which a heritage asset, such as a conservation area, is experienced and that views of or from an asset will play an important part in the consideration of effects on its setting.² The cumulative effect of change should also be considered. Therefore, although the appeal site is just outside the CA, the siting of a black metal framed kiosk of an asymmetrical, utilitarian design in this particular location would materially add to visual clutter. Therefore, it would have an adverse effect on the appearance of the street scene and the settings of locally designated BTM and the CA.
9. Whilst there would be harm to the setting of the CA which the Framework places great weight on conserving, the adverse effect of one payphone kiosk would be less than substantial. Paragraph 134 of the Framework advises that, in such circumstances, the harm caused should be balanced against any public benefits offered by the proposal.
10. The payphone kiosk would be accessible to wheelchair and mobility scooter users and its lighting would be solar powered, which are both in its favour. In paragraph 42, the Framework recognises the important role of communications networks in enhancing local community facilities and services. However, it is not clear from the appellant's submissions what the particular need for the payphone kiosk is at this location or how it would significantly enhance such community facilities and services, especially given the ubiquity of mobile

¹ High Street (Hampton Hill) Conservation Area 38

² Paragraph: 013 Reference ID: 18a-013-20140306

phones. Neither am I convinced of the basis of the appellant's suggestion that the presence of a payphone kiosk in the street scene would enhance the shopping experience. In any event, I consider that the overall public benefits are limited and do not outweigh the harm caused to the setting of the CA.

11. Drawing together the above factors, I conclude that the siting and appearance of the payphone kiosk would adversely affect the character and appearance of the street scene and the settings of BTM and the CA. Consequently, the proposed development 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 conservation areas and BTMs, including their settings. Furthermore, it would fail to accord with similar aims in emerging policies LP1, LP4 and LP33 of the Local Plan Publication version for consultation (LPPVC).⁵
12. I do not find that emerging LPPVC policies LP3, which is more obviously focussed on listed buildings and development within conservation areas, or LP21, which concerns exacerbating flood risk, to be as directly relevant to or clearly breached by the proposal.

Pedestrian movement and safety

13. It is suggested by the Council that the siting of the payphone kiosk would adversely affect pedestrian movement and safety, as it is near a car park and library, as well as the Sainsbury's Local store, in an area subject to heavy footfall. However, the appeal location is on a wider part of the pavement which already subsequently narrows to accommodate some roadside parking spaces. Therefore, given that about 3.6 metres of pavement would remain available, the proposal would not have a significant impact on pedestrian movement or safety.
14. It follows that there would not be conflict with policies DM TP6 of the DMP or LP44 of the LPPVC, insofar as they seek to ensure the provision of safe pedestrian movement.

Conclusion

15. Whilst I have not found an adverse effect on the movement and safety of pedestrians, the harm that I have identified to the character and appearance of the street scene, the settings of BTM and the setting of the CA is decisive.
16. 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