



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: 9 January 2018

Appeal Ref: APP/L5810/W/17/3181127

King Street, in front of 40-42 (WH Smith), Twickenham TW1 3SH

- 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 17/1946/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 allowed and approval is granted under the provisions of Schedule 2, Part 16 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for the installation of a freestanding payphone kiosk on the pavement at King Street, in front of 40-42 (WH Smith), Twickenham TW1 3SH in accordance with the terms of the application Ref 17/1946/TEL, dated 17 May 2017 and the plans submitted with it.

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.
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 Queens Road (Twickenham) Conservation Area (CA), and on the setting of nearby listed buildings; and,
- pedestrian movement along the highway.

Reasons

Character and appearance

6. The appeal site is located on King Street, a wide busy shopping street, with multiple lanes of traffic spanning a central reservation. It forms the southern boundary of the CA which the site lies within. Although the buildings in this part of King Street form a terrace, they are of varying heights, roof designs and fenestration. Therefore, although the facades use a similar palette of materials at first and second floor levels, there is a limited sense of regularity and visual cohesion. At ground floor level there is a range of shopfronts characteristic of a modern shopping street. Indeed, the payphone kiosk would be situated on the pavement to the front of a WH Smith retail store which has a stone fascia and extensive glazing.
7. On the pavement frontage, there is a line of street furniture, including benches, a litter bin, a utility cabinet, lamp post and pillar box. The kiosk would be sited in alignment with that existing street furniture and reasonably spaced, about a metre from one of the benches, near the roadside. Moreover, there are already some payphone kiosks of similar design on the southern side of King Street, albeit just beyond the boundary of the CA.
8. The CA Statement¹ refers to '*lack of coordination, clutter and poor quality of street furniture and flooring*' whilst the Twickenham Area Action Plan aims to remove '*unnecessary/redundant street furniture*'. The Council also advises that there are Buildings of Townscape Merit (BTM) scattered along the north side of King Street. Although the kiosk would be of functional design, with a black metal frame, it would be mainly glazed. Its open frontage would also allow wheelchair access and its lighting would be powered by solar energy. The proposed kiosk would introduce an additional piece of street furniture. However, on balance, in the particular context of this wide, busy commercial street, and taking account of its position next to a line of street furniture with other similar kiosks in the area, it would not draw the eye or appear discordant against the immediate back drop of modern shop fronts. Therefore, it would not have an adverse effect on the street scene or the CA as whole.
9. Locally designated Buildings of Townscape Merit (BTM) are scattered along the north side of the road, although the Council has not identified which individual BTM would be directly affected and in what specific way. However, it is significant that 32-36 King Street, which includes The George Public House, are grade II listed two storey buildings dating from the late 17th century. Although the public house and the shop next door to it, at No 34, have modern frontages at ground floor level, the buildings retain original features above with bay and flush sash windows and gabled dormers. Their architectural value is recognised by their listing and they also make a positive contribution to the CA.

¹ Queens Road (Twickenham) Conservation Area 47

10. I am conscious of the protection given by statute² and the great weight placed by National Planning Policy Framework (the Framework)³ on the conservation of designated heritage assets, which include conservation areas, listed building and their settings. For the contextual reasons given, I have not found harm to the CA. With regard to the listed buildings, the appeal site is separated from them, by a neighbouring building and Queens Road. Moreover, as the site is on the same side of the road as the listed buildings, views towards them which included the kiosk would be limited and oblique. The kiosk would also be visible from the other side of King Street, with the listed buildings within the wider frame. However, given that the development would comprise one payphone kiosk, and that views would be dissipated by the passing traffic along multiple lanes on this relatively busy stretch of road, it would not harm the setting or significance of the listed buildings from Nos 32-36.
11. Overall therefore, I conclude that the siting and appearance of the payphone kiosk would not harm the character and appearance of the street scene, the CA or the setting of nearby listed buildings. It follows that there would not be conflict with policies CP7 and CP 9 of the Local Development Framework Core Strategy (CS)⁴, which, amongst other things, seek to protect buildings and areas of recognised high quality and historic interest from inappropriate development and improve the main shopping area in Twickenham town centre.
12. Nor would the proposal be contrary to policies DM DC1, DM HD1 and DMHD2 of the Local Development Framework Development Management Plan (DMP)⁵ 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. It would also accord with similar aims in emerging policies LP1 and LP3 of the Local Plan Publication version for consultation (LPPVC).⁶

Pedestrian movement

13. It was apparent from my site visit that that the kiosk would be aligned with existing street furniture, which already affects pedestrian desire lines. Therefore, although this is a busy town centre shopping area, there would still be a reasonable width of pavement available for pedestrians and their free movement would not be significantly affected. The Council suggests that pedestrians sometimes cross the busy road at this point. However, there are two traffic light controlled pedestrian crossings nearby, which would offer safer crossing points. In any event, there would be sufficient space between street furniture and other more open areas of pavement where pedestrians could cross the road.
14. Therefore, I conclude that the proposal would not adversely affect pedestrian movement along the highway. Accordingly, there would be no conflict with policy DM TP6 of the DMP or emerging policy LP44 of the LPPVC, insofar as they seek to ensure pedestrian access and safe and convenient walking routes.

² ss. 66(1) & 72(1) Planning (Listed Buildings and Conservation Areas) Act 1990

³ Paragraph 132

⁴ Adopted April 2009

⁵ Adopted November 2011

⁶ 4 January – 15 February 2017

Conclusion

15. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the standard conditions as set out in Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended). Those conditions include implementation within five years from the date prior approval is given, the removal of the structure/apparatus as soon as reasonably practical after it is no longer required for electronic communications purposes and that the development is carried out in accordance with the details submitted with the application.

Jonathan Tudor

INSPECTOR