
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/17/3181126

London Road, in front of No. 26, Twickenham TW1 3RW

- 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 17/1951/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 address and description of development in the banner heading above from the appeal form, as it more clearly describes 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, Buildings of Townscape Merit (BTM) and the setting of the adjacent Twickenham Riverside Conservation Area (CA); and,
 - pedestrian movement and safe and convenient cycle parking.

Reasons

Character and appearance

6. The appeal site is located on the pavement outside 26 London Road, in a busy commercial area of mostly three storey buildings with retail outlets on the ground floors. It is immediately adjacent to the boundary of the CA which cuts across London Road and incorporates a significant number of BTM, including Nos 2-24 at the southern end of the road. Amongst them is the impressive three-storey Edwardian building at No 24, a former Post office, now the William Webb Ellis public house, which adjoins No 26. That building and the other BTM, on the east side of London Road, make a valuable contribution to the character and appearance of the street scene and the CA. That is especially so, as some other parts of London Road have been unsympathetically redeveloped with buildings of utilitarian design.
7. The 'setting of a heritage asset', such as a conservation area, is defined in the glossary to the National Planning Policy Framework (the Framework)¹ as the surroundings in which a heritage asset is experienced. Given the proximity of the appeal site to the CA boundary, that immediate area would affect views towards and from the CA and, therefore, form part of its setting.
8. Whilst it is accepted that a range of street furniture would be expected in a busy commercial shopping area, the CA Statement² specifically identifies '*lack of coordination and poor quality of street furniture*' and pressures '*leading to clutter of signage and street furniture*' as having negative impacts on the CA.
9. As I saw on my site visit, there are already four bicycle stands in front of No 26, some of which appear to occupy the position proposed for the payphone kiosk. There are also further bike stands, a litter bin, a post box and a number of existing telephone boxes opposite the appeal site. There is road signage and a traffic light controlled pedestrian crossing just to the south. That visual clutter already has some adverse effect on the street scene and on views towards the CA.
10. Although glazed, the proposed kiosk would have a black asymmetrical metal frame about 2.6 metres high and 1.3 metres wide. Its utilitarian design and position close to the road would, in combination with the existing street furniture and signage, cumulatively increase the visual harm to the street scene and to the setting of the adjacent CA. In that way, it would have a negative impact on the perception of the CA as a whole.
11. Although there are many modern shopfronts in the area, including on some of the BTM, the former Post Office at No 24, now the William Webb Ellis public house, retains a striking original Edwardian façade over its three storeys with embellished stone and brick work, decorative arched entrances and sash windows. The proposed development would appear in the foreground in views south towards that building. The modern functional design of the kiosk would appear discordant, particularly against the backdrop of No. 24 and have a negative effect on its setting. It would also detrimentally impinge in longer and wider views towards the other important BTM along the road and within the CA.

¹ Published March 2012

² Twickenham Riverside Conservation Area 8

12. Paragraph 132 of the Framework indicates that great weight should be given to the conservation of heritages assets, such as conservation areas and their settings. Whilst there would be harm, as the proposal is for one payphone kiosk within a commercial street, I consider that the harm would be less than substantial. In that event, paragraph 134 of the Framework says that it should be balanced against the public benefits of the proposal.
13. The payphone kiosk would be open-fronted, making it accessible to wheelchair and mobility scooter users. Its lighting would use sustainable solar energy. Those factors weigh in favour of the proposal. Paragraph 42 the Framework also recognises the important role of communications networks in enhancing local community facilities and services and in sustainable economic growth. However, it is not clear from the appellant's submissions what the particular requirement for the payphone kiosk is at this location or how it would significantly enhance community facilities and services, especially given the ubiquity of mobile phones. Neither am I convinced of the basis of the appellant's assertion 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.
14. Overall, I conclude that the siting and appearance of the payphone would harm the character and appearance of the street scene and the settings of BTM and the CA. It follows that the proposed development would conflict with policies CP7 and CP9 of the Local Development Framework Core Strategy (CS)³, which seek to protect buildings and areas of recognised high quality and historic interest from inappropriate development and improve the environment in Twickenham's main shopping area.
15. 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
16. I do not find specific conflict with emerging LPPVC policy LP3 as it is more directly concerns listed buildings and development within conservation areas.

Pedestrian movement and cycle parking

17. The Council notes that the proposed siting of the kiosk may require the removal of existing cycle stands, which appears to be in accord with what I saw on my site visit. That has not been disputed by the appellant. However, whilst the cycle stands did appear to be well used, I see no reason why it would not be possible, in principle, for some of them to be relocated rather than removed, if necessary. Ultimately, that would be a matter for the main parties.
18. Even if they were removed or relocated, the kiosk would still be close to two other bicycle hoops. As the appeal site is located on a main pedestrian thoroughfare in the town centre which also leads to the railway station, the

³ Adopted April 2009

⁴ Adopted November 2011

⁵ 4 January – 15 February 2017

Council submits that a wide unobstructed footpath is essential to facilitate the functional movement of pedestrians and cyclists using the bicycle parking.

19. Whilst I understand the Council's concerns, the kiosk would be located in alignment with existing bicycle stands, which already present an obstacle to pedestrians. Moreover, about 4 metres of pavement width would remain unobstructed. Given those factors, the proposal would not significantly affect pedestrian desire lines. There would also be sufficient space for the remaining cycle hoops to be accessed safely. Consequently, I do not find harm in those respects. It follows from the above, that there would be no significant or necessary conflict with policies DM TP 6 or DM TP7 of the DMP or emerging policy LP44 of the LPVVC, insofar as they seek to safeguard pedestrian access, the cycling network and provide safe and secure cycle parking facilities.

Conclusion

20. Although I have not found an adverse effect on the movement of pedestrians or safe and convenient cycle parking, 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.
21. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Jonathan Tudor

INSPECTOR