The Planning Inspectorate

Appeal Decisions

Site visit made on 29 November 2018

by H Miles BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 December 2018

Appeal A: Appeal Ref: APP/Z5630/W/18/3209590
Pavement outside 28 Castle Street, Kingston upon Thames, KT1 1SS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Mr Neil Scoresby of British Telecommunications plc against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
- The application Ref 18/12384/TEL, dated 4 May 2018, was refused by notice dated 26 June 2018.
- The development proposed is installation of 1 no. InLink Units.

Appeal B: Appeal Ref: APP/Z5630/H/18/3209495
Pavement outside 28 Castle Street, Kingston upon Thames, KT1 1SS

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
- The appeal is made by Mr Neil Scoresby of British Telecommunications plc against the decision of the Council of the Royal Borough of Kingston-upon-Thames.
- The application Ref 18/12400/ADV, dated 8 May 2018, was refused by notice dated 26 June 2018.
- The advertisement proposed is installation of two digital LED display screens, one on each side of the InLink.

Decision

1. The appeals are dismissed.

Procedural Matters

2. During the course of these appeals the revised National Planning Policy Framework (the revised Framework) has been published. Both main parties have had the opportunity to submit comments on the relevance of the revised Framework to these cases. I have taken any comments received into consideration and I have assessed these appeals in light of the revised Framework.

3. I have taken the site addresses from the Council's decision notices as they more simply describe the location of the proposed development than the grid reference listed on the application forms.

4. In Appeal A I have taken the description of development from the Council's decision notice as I find this more precisely and succinctly describes the development proposed than the longer description listed on the application form.

Main Issues

5. There is no dispute between the main parties that the proposal meets the requirements of under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO) and therefore that it constitutes permitted development under this class, subject to the prior approval of siting and appearance. **Therefore the main issue in relation to Appeal A** is the effect of the proposed development on the character and appearance of the area in terms of its siting and appearance.

6. As the control of advertisements is exercisable only with respect to amenity and public safety, **the main issue in relation to Appeal B** relates to the effect of the proposed advertisement on visual amenity.

Reasons

Siting, Appearance and Visual Amenity

7. Castle Street is signed as a 'pedestrian zone' and although it appears that some limited deliveries may take place, essentially the whole road/pavement surface is for pedestrian use. In places along Castle Street the pavement is occupied by seating, trees and other street furniture. However, a stretch of pavement, which includes the location for the proposed InLink, on the east side of Castle Street is relatively open, and this gap provides a valuable visual break. In summary I find that the uncluttered character of the immediate surroundings is a positive element of the appearance of the proposed development site.

8. The siting of the InLink structure in this location would introduce street furniture to this currently open area, eroding the sense of relative spaciousness found at this particular part of the road. It follows that I find that the positioning of two advertisement panels in this prominent location would also erode the positive open and uncluttered characteristics of the appeal site.

9. The InLink would not be significantly taller than other street furniture in the surrounding area, nor would it compete with the height or upper stories of the surrounding buildings due to their strong commercial emphasis at ground floor, therefore I do not find harm in respect of its height.

10. Whilst I do not find the detailed design of the InLink to be harmful, I conclude that proposed structure and advertisements would be harmful to the character and appearance of the area in terms of their siting in respect to Appeal A, and for the same reasons would be harmful to visual amenity in respect to Appeal B.

11. I have taken into account the provisions of the development plan so far as they are material and for the reasons above find that the development would be contrary to the following policies of the Core Strategy Local Development Framework Royal Borough of Kingston Upon Thames April 2012: CS8 which in general seeks to protect the character of the borough and DM10 which seeks good design in new development proposals.

Other Matters

12. The appellant states that two existing kiosks would be removed in place of this InLink, and that that the excess land that would become available would be

returned to the community. However I am not provided with any detail about which kiosks would be removed (either within the evidence nor as part of the appellant's suggested condition) and therefore I attach limited weight to any potential benefits that could arise from this.

13. The InLink would provide a number of services to members of the public, which I understand to be at no cost to end users, including; free ultrafast wifi phone calls, wayfinding, device charging, an emergency 999 call button, capability for public messaging including offering content to the Council and local groups, and providing a platform for interactive technologies such as air quality monitoring. I also note that it would be powered by carbon free energy, would be cleaned on a bi weekly basis, and incorporates accessible design for those with disabilities. The Framework also offers support for advanced high quality and reliable communications infrastructure. However, considering the nature of these benefits against the nature of the harm to the character and appearance of the area, they do not outweigh the harm identified above.

Conclusion

14. For the above reasons, Appeal A and Appeal B are both dismissed.

H Miles

INSPECTOR