



Appeal Decisions

Site visits made on 26 November 2019

by Nick Palmer BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th December 2019

Appeal A: APP/R3515/W/19/3235557 1-7 Old Cattle Market, Ipswich IP1 1AY

- 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 Nathan Still of Infocus Public Networks Ltd against the decision of Ipswich Borough Council.
 - The application Ref IP/19/00474/TPD, dated 16 May 2019, was refused by notice dated 11 July 2019.
 - The development proposed is installation of an electronic communications apparatus comprising a telephone kiosk.
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Appeal B: APP/R3515/W/19/3235562 Outside Great White Horse Hotel, 43-45 Tavern Street, Ipswich IP1 3AG

- 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 Nathan Still of Infocus Public Networks Ltd against the decision of Ipswich Borough Council.
 - The application Ref IP/19/00472/TPD, dated 16 May 2019, was refused by notice dated 11 July 2019.
 - The development proposed is installation of an electronic communications apparatus comprising a telephone kiosk.
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Appeal C: APP/R3515/W/19/3235567 Mutual House, Princes Street, Ipswich IP1 1QT

- 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 Nathan Still of Infocus Public Networks Ltd against the decision of Ipswich Borough Council.
 - The application Ref IP/19/00473/TPD, dated 16 May 2019, was refused by notice dated 11 July 2019.
 - The development proposed is installation of an electronic communications apparatus comprising a telephone kiosk.
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Appeal D: APP/R3515/W/19/3235568 Opposite Revolution, Old Cattle Market, Ipswich IP4 1DX

- 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 Nathan Still of Infocus Public Networks Ltd against the decision of Ipswich Borough Council.
 - The application Ref IP/19/00471/TPD, dated 16 May 2019, was refused by notice dated 11 July 2019.
 - The development proposed is installation of an electronic communications apparatus comprising a telephone kiosk.
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Appeal E: APP/R3515/W/19/3235569

Outside Sainsburys, 38-40 Upper Brook Street, Ipswich IP4 1DR

- 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 Nathan Still of Infocus Public Networks Ltd against the decision of Ipswich Borough Council.
 - The application Ref IP/19/00468/TPD, dated 16 May 2019, was refused by notice dated 11 July 2019.
 - The development proposed is installation of an electronic communications apparatus comprising a telephone kiosk.
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Appeal F: APP/R3515/W/19/3235574

53-61 Carr Street, Ipswich IP4 1HB

- 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 Nathan Still of Infocus Public Networks Ltd against the decision of Ipswich Borough Council.
 - The application Ref IP/19/00469/TPD, dated 16 May 2019, was refused by notice dated 11 July 2019.
 - The development proposed is installation of an electronic communications apparatus comprising a telephone kiosk.
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Appeal G: APP/R3515/W/19/3235575

Outside Superdrug, 39-41 Carr Street, Ipswich IP4 1HA

- 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 Nathan Still of Infocus Public Networks Ltd against the decision of Ipswich Borough Council.
 - The application Ref IP/19/00470/TPD, dated 16 May 2019, was refused by notice dated 11 July 2019.
 - The development proposed is installation of an electronic communications apparatus comprising a telephone kiosk.
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Decisions

Appeal A

1. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Part 16 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the siting and appearance of the installation of an electronic communications apparatus comprising a telephone kiosk at 1-7 Old Cattle Market, Ipswich IP1 1AY in accordance with the terms of the application Ref IP/19/00474/TPD, dated 16 May 2019, and the plans submitted with it.

Appeal B

2. The appeal is dismissed.

Appeal C

3. The appeal is dismissed.
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Appeal D

4. The appeal is dismissed.

Appeal E

5. The appeal is dismissed.

Appeal F

6. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Part 16 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the siting and appearance of the installation of an electronic communications apparatus comprising a telephone kiosk at 53-61 Carr Street, Ipswich IP4 1HB in accordance with the terms of the application Ref IP/19/00469/TPD, dated 16 May 2019, and the plans submitted with it.

Appeal G

7. The appeal is allowed and approval is granted under the provisions of Article 3(1) and Part 16 Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015 for the siting and appearance of the installation of an electronic communications apparatus comprising a telephone kiosk at land outside Superdrug, 39-41 Carr Street, Ipswich IP4 1HA in accordance with the terms of the application Ref IP/19/00470/TPD, dated 16 May 2019, and the plans submitted with it.

Preliminary Matters

8. The Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO) Part 16 has been amended¹ to remove the permitted development right for public call boxes. The transitional provisions include a provision for the right to continue to apply for appeals against refusals of prior approval applications that were submitted to the local planning authority before 25 May 2019. I have considered the appeals on this basis.
9. The provisions of the GPDO, under Article 3(1) and Schedule 2, Part 16, Class A, Paragraph A.3(4) require the local planning authority to assess the proposed development solely on the basis of its siting and appearance. My determination of these appeals has been made on the same basis.
10. The appeals concern the erection of seven kiosks at various locations in Ipswich town centre. The proposed kiosks are of a standard design, each consisting of a rectangular structure of aluminium and steel, 2.63m in height, 1.338m in width and 317mm in depth. They would have a grey finish and would include a glazed canopy over a display screen and telephone handset.
11. The proposed kiosks would not include any facility for the display of advertisements. Any future proposal to display an advertisement on any of the

¹ By the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019

proposed kiosks would be subject to separate control under the Advertisement Regulations as amended.²

12. I have assessed each proposal individually, but in order to avoid unnecessary duplication, I have dealt with the appeals together in this document.

Main Issues

13. The main issues in the appeals are:

- i) the effect of the proposed kiosks on the character and appearance of the area, including effects on the Central Conservation Area and the settings of listed buildings; and
- ii) the effects on highway safety in terms of pedestrian movement.

Reasons

Character and Appearance

14. The sites in appeals A, B, C, D and E are located within the Central Conservation Area (CA). This covers the historic centre of Ipswich, which has a significant number of listed buildings and historic streets. I saw on my visit that the character of individual streets varies according to the scale of the buildings and widths of the streets. There are open spaces which form important parts of the character of the area.
15. Old Cattle Market forms a historic space with listed buildings on its southern, eastern and western sides and the modern Buttermarket shopping centre on its fourth side. The appeal D proposal would be in the centre of this space, which has been subject to public realm improvement including paving and seating. It would be visually prominent in this context and would be seen in conjunction with the surrounding listed buildings from adjoining streets and from within the Old Cattle Market. The kiosk would be visually intrusive and would detract from the quality of the space and the settings of the nearby listed buildings. The proposal would harm both the character and appearance of the CA and the settings of the listed buildings. These harms would be less than substantial, however because the kiosk would be of limited scale in relation to the space.
16. Although the appeal A proposal would be within the same space, it would be directly adjacent to the Buttermarket centre and seen primarily in association with that modern development. For this reason and because it would be sited some distance away from the listed buildings it would not be harmful to either the CA or the settings of the listed buildings.
17. In appeal B, the proposed kiosk would be adjacent to the historic entrance to the Great White Horse Hotel which is a grade II* listed building. This adjoins grade II listed buildings at 31 to 41 Tavern Street. The doorway is focal point on this elevation. It has ionic columns and is surmounted by a figure of a white horse. In addition to the architectural value of this feature, the building

² The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 as amended by the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019

has a cultural association. It was made famous as the inn in Dickens's "Pickwick Papers".

18. The proposed kiosk would be 2.3m from the building façade and very close to the door feature. This proximity to a key feature of the significance of the heritage asset would harm the settings of the building and of the adjacent listed buildings. I also find for these reasons that the proposal in appeal B would not preserve the character or appearance of the CA. In the context of the ground floor shops along both sides of the street, however the harms to the settings of the listed buildings and the CA would be less than substantial.
19. In appeal C the proposal would be sited on a wide area of pavement adjacent to the junction of Princes Street, Queen Street and King Street. This is known as Giles Circus and provides an important space in the CA. The Conservation Area Appraisal specifically mentions the value of the junction in providing views along the adjacent streets taking in a number of listed buildings and a Scheduled Ancient Monument. There are, in particular a number of listed buildings along the adjacent part of King Street. Enhancement works have taken place here including through new paving and provision of public art. The proposed kiosk would be outside the grade II listed former National Westminster Bank which was built in 1901 in a free gothic style and is now occupied by Ipswich Building Society.
20. Although the kiosk would be 4.36m away from the façade of the building and would have a narrow profile when seen from its side, it would nonetheless be seen at various angles against the façade of the listed building in views across Giles Circus. It would detract from the historic character of the space and the setting of the former National Westminster Bank. It would not preserve the character or appearance of the area. The harm would be less than substantial because the views along the adjacent streets towards heritage assets and views of the adjacent listed building would only be obstructed to a limited extent.
21. In appeal E the proposed kiosk would be adjacent to a modern supermarket building but with a number of grade II listed buildings in the immediate area around the junction of Upper Brook Street and Lower Brook Street. These buildings are along the opposite side of Upper Brook Street to the north of the site, and a building on the corner of Lower Brook Street and Tacket Street. Upper Brook Street is quite narrow, and the listed buildings opposite are quite close to the site of the proposed kiosk. For this reason, it would harm the settings of those listed buildings and would not preserve the character or appearance of the CA. However, because the proposal would be seen in conjunction with the supermarket, the harms would be less than substantial.
22. I have found that the proposed kiosks in appeals B, C, D and E would harm the settings of listed buildings and the character and appearance of the CA. I shall weigh those less than substantial harms against the public benefits of the proposals. I give great weight to the identified harms. Although the kiosks would be of public benefit in terms of providing public telephone and internet access facilities, the weight that I give those benefits in each case is not enough to outweigh the weight that I give to the harms.

23. The kiosks proposed in appeals F and G would be on Carr Street which is a pedestrianised shopping street. The proposals would not be within the CA nor within the setting of any listed building. Although the Council states that there are six locally listed buildings along Carr Street, no details of these have been provided. I saw that while there are historic buildings there is a predominance of modern built form and modern shop fronts at ground floor level. The two proposed kiosks would be quite close together and visible together along the street. However, given the character of the street as a modern shopping street the proposed kiosks would be visually acceptable.

Pedestrian Movement

24. The Council's decisions do not allege that the proposals in Appeals D, F and G would unacceptably affect pedestrian movement and I see no reason to disagree. In appeal B, Tavern Street is pedestrianised and although there is restricted vehicle access the full width of the street is available for pedestrian movement. Because the kiosk would be sited close to and in line with an existing bench it would not introduce any further significant disruption to pedestrian movement.
25. The appeal C proposal would not be in the main shopping area and pedestrian flows could be expected to be less. It is on a main route into the centre, but the area of pavement on which it is proposed to be sited is very wide and a more than adequate width of 4.3m for pedestrian movement would be retained.
26. The appeal A proposal would leave an unobstructed pavement width of 2.3m which would be adequate to ensure pedestrian movement is not unduly restricted. The site is close to the bus station, but pedestrians would be likely to disperse along various routes rather than to be concentrated past the proposed kiosk.
27. In appeal E, the kiosk would be almost 3m away from the frontage of the Sainsbury's supermarket but there are bicycle racks adjacent to that frontage. Any parked bicycle next to the proposed kiosk would be likely to narrow down the available footway to less than 2m. Because this forms a pedestrian route to the supermarket it is likely to be intensively used by pedestrians. In this case I find that the reduction in the width of pavement that would result from the proposal would be likely to unacceptably restrict pedestrian movement. This could have unacceptable implications for highway safety.

Other Matter

28. The Council has raised concern that the appeal G proposal would result in disturbance to residents. This did not form a reason for refusal however. I noted what appeared to be residential flats above the shops on Carr Street, but no specific evidence has been provided of any potential detrimental effect on living conditions.

Conclusions

29. I have had regard to all other matters raised but find nothing to alter my conclusions on the main issues. I conclude that the proposals in appeals B, C, D and E would unacceptably harm the character and appearance of the area

and that the appeal E proposal would be prejudicial to highway safety in terms of restricting pedestrian movement. In appeals A, F and G there would be no harm either to the character and appearance of the area or to highway safety.

30. The appellant should note that any planning permission granted under Article 3(1) and Schedule 2, Part 16, Class A of the GPDO is subject to conditions set out in Paragraphs A.3(9), A.3(11) and A.2(2), which specify that the development must, except to the extent that the local planning authority otherwise agree in writing, be carried out in accordance with the details submitted with the application, must begin not later than the expiration of 5 years beginning with the date on which the local planning authority received the application, and must be removed as soon as reasonably practicable after it is no longer required for electronic communications purposes and the land restored to its condition before the development took place.
31. For the reasons given I conclude that appeals A, F and G should be allowed, and that appeals B, C, D and E should be dismissed.

Nick Palmer

INSPECTOR