



## Appeal Decision

Site visit made on 28 January 2020 by G Sibley MPLAN MRTPI

**Decision by P J Davies BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2<sup>nd</sup> April 2020

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**Appeal Ref A: APP/Z4310/W/19/3236539**

**Elliot Street, Liverpool L1 1NH**

**Application Ref: 19PT/1330**

**Appeal Ref B: APP/Z4310/W/19/3236546**

**Ranelagh Street, Liverpool L1 1JR**

**Application Ref: 19PT/1362**

**Appeal Ref C: APP/Z4310/W/19/3236541**

**Great Charlotte Street, Liverpool L1 1QR**

**Application Ref: 19PT/1418**

**Appeal Ref D: APP/Z4310/W/19/3236552**

**Corner Church Alley, Church Street, Liverpool L1 3AW**

**Application Ref: 19PT/1358**

**Appeal Ref E: APP/Z4310/W/19/3236560**

**Near Clayton Lane, Church Street, Liverpool L1 1DN**

**Application Ref: 19PT/1346**

**Appeal Ref F: APP/Z4310/W/19/3236609**

**Lime Street, Liverpool L1 1JN**

**Application Ref: 19PT/1355**

- The appeals are made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) (England) Order 2015.
  - The appeals are made by Mr Nathan Still of Infocus Public Networks Ltd against the decisions of Liverpool City Council.
  - The application for appeals A, B and C, dated 21 May 2019, were refused by notice dated 11 July 2019.
  - The application for appeals D, E and F, dated 23 May 2019, were refused by notice dated 11 July 2019.
  - The development proposed is described on the application form for appeals A, B and C as the replacement of an existing three sided enclosed telephone kiosk (mark I), with a modern state of the art communications apparatus (mark II) pursuant to Class 16 of the Town and Country Planning (General Permitted Development) Order 2015.
  - The development proposed on the application form for appeals D, E and F is for the installation of a Communication Hub on the Highway by an electronic communications code operator.
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## **Decisions**

1. The appeals D, E and F are dismissed.
2. Appeal A is allowed and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning Act (General Permitted Development) (England) Order 2015 (as amended) for the replacement of an existing three sided enclosed telephone kiosk (mark I), with a modern state of the art communications apparatus (mark II) pursuant to Class 16 of the Town and Country Planning (General Permitted Development) Order 2015 at Elliot Street, Liverpool L1 1NH in accordance with the terms of the application Ref: 19PT/1330, dated 21 May 2019 and the plans submitted with it and subject to the standard conditions contained in Part 16, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
3. Appeal B is allowed and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning Act (General Permitted Development) (England) Order 2015 (as amended) for the replacement of an existing three sided enclosed telephone kiosk (mark I), with a modern state of the art communications apparatus (mark II) pursuant to Class 16 of the Town and Country Planning (General Permitted Development) Order 2015 at Ranelagh Street, Liverpool L1 1JR in accordance with the terms of the application Ref: 19PT/1362, dated 21 May 2019 and the plans submitted with it and subject to the standard conditions contained in Part 16, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.
4. Appeal C is allowed and approval is granted under the provisions of Schedule 2, Part 16, Class A of the Town and Country Planning Act (General Permitted Development) (England) Order 2015 (as amended) for the replacement of an existing three sided enclosed telephone kiosk (mark I), with a modern state of the art communications apparatus (mark II) pursuant to Class 16 of the Town and Country Planning (General Permitted Development) Order 2015 at Great Charlotte Street, Liverpool L1 1QR in accordance with the terms of the application Ref: 19PT/1418, dated 21 May 2019 and the plans submitted with it and subject to the standard conditions contained in Part 16, Class A of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015.

## **Appeal Procedure**

5. The site visits were undertaken by an Appeal Planning Officer whose recommendations are set out below and to which the Inspector has had regard before deciding the appeals.

## **Procedural Matters**

6. In these Appeals, the design of the kiosk is the same, however, they are sited in different locations. Each proposal will be considered on its individual merits. As they raise similar issues and to avoid duplication, they are dealt with in a single decision letter.
7. On 25 May 2019, the Town and Country Planning (Permitted Development, Advertisement and Compensation Amendments) (England) Regulations 2019 (GPDO) came into force, amending the GPDO. This amendment removes the permitted development right to install a public call box under Schedule 2, Part

- 16, Class A of the GPDO. However, transitional and saving provisions at Part 5 of the 2019 Regulations provide that where an appeal has been made within 6 months of the date of notice of refusal of a prior approval application submitted before 25 May 2019, the planning permission granted by Schedule 2, Part 16, Class A continues to have effect in relation to a public call box as if the amendments made to the GPDO by the 2019 Regulations had not been made. That is the case in respect of these Appeals.
8. As an electronic communications code operator, the appellant benefits from deemed planning permission for a proposed telephone kiosk under Article 3(1) Schedule 2, Part 16, Class A, Paragraph A.3(4) of the GPDO. The provision requires the local planning authority to assess the proposed development solely on the basis of its siting and appearance, taking into account any representations received.
  9. A recent High Court judgment, *The Westminster judgement*<sup>1</sup>, considered the issue of the inclusion of advertising on public call boxes and the matter of development for 'the purpose' of an electronic communications code operator's electronic communications network for the purposes of Part 16, Class A of GPDO. The judgement confirmed '*that the whole development for which prior approval is sought must fall within the class relied on, and no part of it can fall outside it*'. Therefore, there is a requirement to ensure that a proposal is solely for the purpose of the operator's electronic network and not partly for some other use. Given the available evidence, it is considered that the kiosks proposed in these Appeals are unlikely to constitute a dual purpose.
  10. The principle of development is established by the GPDO. Therefore, matters such as the need for the development are not at issue. In addition, whilst the appellant has referred to the purported benefits of the proposed kiosk, these matters have not been taken into account other than in respect of heritage assets where the National Planning Policy Framework (The Framework) advises where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
  11. All of the sites are located within the Liverpool Maritime Mercantile World Heritage Site (WHS) or it's Buffer Zone.
  12. The WHS has outstanding universal value primarily because:
    - Liverpool played a leading role in the development of dock construction, port management and international trading systems in the 18<sup>th</sup> and 19<sup>th</sup> centuries;
    - the buildings and structures of the port and city are an exceptional testimony to mercantile culture;
    - Liverpool played a major role in influencing globally significant demographic changes in the 18<sup>th</sup> and 19<sup>th</sup> centuries through (a) its involvement in the trans-Atlantic slave trade and (b) its involvement as the leading port of mass European emigration to the New World.

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<sup>1</sup> Westminster City Council v Secretary of State for Housing, Communities and Local Government & New World Payphones Ltd [2019] EWHC 176 (Admin)

13. The WHS Supplementary Planning Document indicates that the buffer zone is to ensure that development does not adversely affect the setting of the WHS.
14. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. Both parties have drawn my attention to policies contained within The City of Liverpool Unitary Development Plan (UDP) (2002). Regard has been given to these policies, relevant guidance and the Framework only in so far as they are material to matters of siting and appearance, designated heritage assets and the safe and efficient operation of the highway.
15. The kiosks are all of the same design and would be a single sided structure and would be approximately 2.6 metres tall, 1.3 metres wide and around 900 centimetres deep and would be finished in a metal chain grey colour. The telephone and digital panel would be housed in the front panel under a canopy which would incorporate a solar panel on its roof. The design of the kiosk would allow accessibility for people with limited mobility, including wheelchair users.

### **Main Issues Appeal A to F**

16. The main issues are:

- 1) the effect of the kiosk upon the character and appearance of the area with regard to its siting and appearance and;
- 2) public safety.

### **Reasons for the Recommendations**

#### **Appeal A – Elliot Street**

##### *Character and appearance*

17. The proposed kiosk would replace an existing phone box which is located on the junction between Elliot Street and Lime Street. The Council has not said that the phone box was unauthorised development nor that it is no longer required, as such I shall proceed on the basis that the existing phone box is a permanent structure. The phone box is a relatively modern glass structure and is adorned with an advertisement on one side of the box. The site is located nearby to Lime Street Station, the Crown Hotel and the ABC Cinema which are all Grade II listed buildings. The kiosk is located on the same side of the road as the St Johns shopping centre which is a large relatively modern commercial building. The street on this side of the road leads towards the central shopping district within Liverpool city centre and the street scene has an urban commercial appearance.
18. The existing phone box is located next to the railings adjacent to the pedestrian crossing point and is located in front of two bus shelters that are a similar height to the phone box. There are also planters with small bushes which follow the pedestrianised part of the road down towards Parker Street and the central shopping district.
19. Because of the size of the existing phone box and its location within the street scene it is not particularly visible when viewed from Lime Street Station. The existing phone box is visible from the Crown Hotel but is located on the opposite side of Lime Street. The phone box is located on the opposite side of Elliot Street from the ABC Cinema. The immediate setting of the ABC Cinema is

a busy junction that is heavily trafficked with minimal public space located outside of the cinema. Because of the size of the kiosk and because of the highways signage and the traffic passing between the two sites it has a limited effect upon the setting of the ABC Cinema. When the site is viewed from it, the existing phone box is viewed within the setting of the St Johns shopping centre and the street furniture located in front of it.

20. The site is located opposite a busy junction and would be viewed from the listed buildings within the existing street furniture that surrounds the site. The proposed kiosk would be located in line with the bus shelters on this side of the road and would maintain a consistent pattern of development that is already prevalent within the street scene.
21. The existing kiosk does have three open glass walls around it, but these are still solid walls, one of which is covered by an advertisement which negates its permeability. The proposal would be a single solid walled structure with no advertisement proposed on either elevation of the structure. As such the proposal would replace an old and not particularly attractive phone box replete with advertisements and replace it with a kiosk that would appear relatively clean and modern in comparison.
22. Given the amount of traffic that passes between the sites, the proposed kiosk would appear disconnected from the setting of these listed buildings. Given the urban appearance of the site as well as the modern buildings that are located around the site and because the proposal would replace an existing phone box, there would be no diminishing effect on the setting of the nearby listed buildings.
23. Consequently, the setting of the listed buildings would be preserved and because the proposed kiosk would be a single solid walled structure it would reduce the overall amount of built form within the setting of the listed buildings. Therefore, the proposal would not harm the character and appearance of the street scene or the setting of the WHS.

#### *Public Safety*

24. At the time of the site visit, early afternoon on a weekday, there was a steady stream of pedestrian movement passing the site. Nonetheless, the existing phone box is located adjacent to the railings along Elliot Street away from the pedestrian crossing point and the pavement is wide enough for pedestrian traffic to pass unhindered. Therefore, I do not consider the kiosk would be an obstruction to pedestrians or a particular hazard for those with disabilities. Therefore, I find no harm to public safety.

### **Appeal B – Ranelagh Street**

#### *Character and appearance*

25. The kiosk is proposed to replace an existing phone box located on the junction of Ranelagh Street and Lime Street. The Council has not said that the phone box was unauthorised development nor that it is no longer required, as such I shall proceed on the basis that the existing phone box is a permanent structure. The phone box is a relatively modern glass structure and is adorned with an advertisement on one side of the box. The existing phone box is located behind railings next to the pedestrian crossing point that runs along Ranelagh Street and is located in front of a loading area.

26. The kiosk would be located on the opposite side of Lime Street from The Vine Public House which is a Grade II\* listed building and The Adelphi Hotel which is a Grade II listed building. The kiosk would be located on the opposite side of Ranelagh Street from the Lewis's Department Store which is also a Grade II listed building. On the same side of the road as the existing phone box, the buildings are relatively modern and are used for commercial purposes. The appearance of the ground floor of these buildings varies along the street and because most of the units are used for commercial purposes adverts and signage are common along this side of the street.
27. The junction is a busy interchange with a steady flow of vehicular traffic and pedestrian movement. The pavement where the existing kiosk is located is relatively wide. Within the street scene there is highway signage, cycle hire and lamp posts alongside the existing phone box. As such the site is surrounded by other pieces of modern street furniture which are centred around the pedestrian crossing point.
28. The existing kiosk does have three open glass walls around it, but these are still solid walls, one of which is covered by an advertisement which negates its permeability. The proposal would be a single solid structure with no advertisement proposed on either elevation of the structure. As such the proposal would replace an old and not particularly attractive phone box, replete with advertisements, and replace it with a kiosk that would appear relatively clean and modern in comparison.
29. The significance of the listed buildings derives from their architectural appearance, layout and form. The site is located opposite a busy junction from the buildings and given the amount of traffic that passes the sites the proposed kiosk would appear disconnected from the setting of these buildings. Given the urban appearance of the site and because the proposal would replace an existing phone box, there would be no diminishing effect to the setting of the nearby listed buildings.
30. Consequently, the setting of the listed buildings would be preserved and because the proposed kiosk would be a single solid walled structure it would reduce the overall amount of built form within the setting of the listed buildings. Therefore, the proposal would not harm the character and appearance of the street scene or the setting of the WHS.

#### *Public Safety*

31. At the time of the site visit, early afternoon on a weekday, there was a steady stream of pedestrian movement passing the site. Nonetheless, the existing phone box is located next to the railings that run along the edge of the pavement along Ranelagh Street and is located away from the crossing point across Ranelagh Street. As such the existing phone box does not hinder or impede pedestrian traffic. There is enough space to easily get past the existing phone box and therefore, I do not consider the proposed kiosk would be an obstruction to pedestrians or a particular hazard for those with disabilities. Therefore, I find no harm to public safety.

## **Appeal C – Great Charlotte Street**

### *Character and appearance*

32. The kiosk is proposed to replace an existing phone box located on Great Charlotte Street. The Council has not said that the phone box was unauthorised development nor that it was no longer required, as such I shall proceed on the basis that the existing phone box is a permanent structure. The phone box is a relatively modern glass structure and is adorned with an advertisement on one side of the box. The phone box is located in front of a bin and a brick pillar which is part of an alleyway that has been created in front of the shops on this side of the road. The road is a relatively busy street with cars and buses parked up against the roadside and the pavements are relatively narrow. The ground floors of the buildings are used for a variety of commercial uses. The appearance of the ground floor of these buildings varies along the street and because most of the units are used for commercial purposes adverts and signage are common along the street.
33. The existing kiosk does have three open glass walls around it, but these are still solid walls, one of which is covered by an advertisement which negates its permeability. The proposal would be a single solid walled structure with no advertisement proposed on either elevation of the structure. As such the proposal would replace an old and not particularly attractive phone box replete with advertisements and replace it with a kiosk that would appear relatively clean and modern in comparison.
34. The back of the kiosk would face the brick pillar and because it would be a single solid walled structure it would reduce the amount of built form on the pavement and would limit the effect it would have upon the appearance of the street scene. The proposal would also remove the advertisement which currently faces towards the opposite side of the street which detracts from the appearance of the street scene. The proposed kiosk would have a relatively simple and uncluttered appearance and would be a more attractively designed kiosk than the existing phone box and would have no advertisements adorned on it which would improve the appearance of the street scene. Therefore, the proposal would not harm the character and appearance of the street scene or the WHS.

### *Public Safety*

35. At the time of the site visit, early afternoon on a weekday, pedestrian movement was relatively low. Because the existing phone box is located adjacent to the brick pillar, pedestrians already need to move either side of this wall and consequently the existing phone box does not impede traffic. There is enough space to easily get past the existing phone box and therefore, I do not consider the proposed kiosk would be an obstruction to pedestrians or a particular hazard for those with disabilities. Therefore, I find no harm to public safety.

## **Appeal D – Corner Church alley, Church Street**

36. The kiosk would be located opposite Compton House which is a Grade II listed building. The roads outside of the listed building have been pedestrianised and the area is now a shopping district and there are a number of telephone kiosks, seats, bins, signage and other street furniture that would typically be

associated with a city centre shopping district. The listed building is located opposite a junction and because of this the area in front of it is relatively free of street furniture and this allows for a relatively unencumbered view of the building. The site is located adjacent to but outside of the Castle Street Conservation Area (CA) which incorporates the streets leading towards the Liverpool waterfront. The CA is characterised by wide pedestrianised roads and the large imperious buildings that were constructed during the 18<sup>th</sup> and 19<sup>th</sup> Century and are part of Liverpool's mercantile history.

37. The kiosk is proposed on the corner of this junction opposite the listed building. The site is currently open block paving with little to no street furniture on the junction. As such the site maintains the open setting opposite the building and does not impinge on views of the building. The proposal would add a chunky utilitarian structure to this street clutter which would appear relatively modern compared to the historic buildings that surround the listed building. Whilst there is street furniture around the site, the junction and the immediate setting in front of the listed building has retained an open and uncluttered appearance. The kiosk would erode the open character of the street scene outside of the listed building which would harm its setting. Consequently, the proposal would adversely affect the setting of the listed building and would create additional street clutter outside of it. For these reasons, the proposal would also harm the setting of the WHS.
38. Notwithstanding the above, the site is located outside of the CA and because the proposal would be relatively modest and located a short distance away from the CA it would preserve the character and appearance of its setting.
39. Because the kiosk would be a relatively modest structure, the harm to the significance of the asset would be less than substantial having regard to the Framework. Nonetheless the conservation of the asset must be given great weight. Paragraph 196 of the Framework notes that where there is less than substantial harm that the harm needs to be balanced against any public benefits of the proposal.
40. The kiosk would provide a range of additional communications and functions and capabilities, which would be free for public use. However, I do not consider that the public benefits of the proposal are sufficient to outweigh the harm I find in relation to this specific proposal.

#### *Public Safety*

41. At the time of the site visit, early afternoon on a weekday, pedestrian movement was relatively high. Nonetheless, the kiosk would be located on a wide and relatively uncluttered pavement and would be in line with the existing seating. There would appear to be enough space to easily get past the kiosk and therefore, I do not consider the kiosk would be an obstruction to pedestrians or a particular hazard for those with disabilities. Therefore, I find no harm to public safety.

### **Appeal E – Clayton Lane, Church Street**

#### *Character and appearance*

42. The kiosk would be located outside of no.69 Church Street which is a Grade II listed building. The road outside of the building has been pedestrianised and the site is located within a busy shopping district. The area around the building

is relatively open with the street furniture limited to attractive benches that have a tree planted within the centre of them and a couple of bins which has created an attractive seating area around the building.

43. The kiosk is proposed on the corner of this junction in front of the listed building. The site is currently open block paving and as such the site maintains the open setting opposite the building and because of this there are unobstructed views of the listed building.
44. The street furniture that surrounds the building has been sympathetically designed using stone and other materials that relate well to the listed building. The proposed kiosk would add a chunky grey utilitarian structure to the street scene which would appear relatively modern compared to the historic buildings and low-level street furniture that surround the listed building. The kiosk would appear as a comparatively tall and bulky structure in the street scene which would erode the open character of the street scene outside of the listed building. This would harm its setting as well as the character and appearance of the street scene. Because of this, the proposal would also harm the setting of the WHS.
45. Because the kiosk would be a relatively modest structure, the harm to the significance of the asset would be less than substantial having regard to the Framework. Nonetheless the conservation of the asset must be given great weight. Paragraph 196 of the Framework notes that where there is less than substantial harm that the harm needs to be balanced against any public benefits of the proposal.
46. The kiosk would provide a range of additional communications and functions and capabilities, which would be free for public use. However, I do not consider that the public benefits of the proposal are sufficient to outweigh the harm I find in relation to this specific proposal.

#### *Public Safety*

47. At the time of the site visit, early afternoon on a weekday, pedestrian movement was relatively high. Nonetheless, the kiosk would be located on a wide-open pavement in line with the existing seating. There would appear to be enough space to easily get past the kiosk and therefore, I do not consider the kiosk would be an obstruction to pedestrians or a particular hazard for those with disabilities. Therefore, I find no harm to public safety.

### **Appeal F - Lime Street**

#### *Character and appearance*

48. The kiosk would be located in front of the steps for Lime Street Station which is a Grade II listed building. The kiosk would also be located near to the Grade I listed St Georges Hall and the Grade II listed, Crown Hotel and the ABC Cinema. These form part of the special interest of the WHS and Lime Street Station and St Georges Hall have an extensive setting due to the scale of the buildings. The site is located adjacent to, but outside of, the William Brown Street Conservation Area (CA).
49. The kiosk would be located on the pavement in front of Lime Street Station and due to the road layout, the kiosk would be visible when approaching the station from Lime Street and Elliot Street.

50. The area in front of Lime Street Station is a relatively open and attractive area and the wide pavements and open area of public space in front of it contributes positively to the setting of the station and the Crown Hotel which is located on the other side of Skelhorne Street. Other than highway signage and cycle hire stands there is limited street furniture along this section of the pavement in front of the station.
51. St Georges Hall is located on the opposite side of Lime Street and there is clear inter-visibility between the site and the Hall, albeit this is broken up by the heavily trafficked Lime Street. Nevertheless, because of scale of the building it has an extensive setting and the site is part of the buildings setting.
52. The proposal would introduce a bulky modern utilitarian piece of street furniture that would appear in stark contrast to the historic appearance of the listed buildings and would add clutter to what is an uncluttered approach to the Crown Hotel and Lime Street Station with the buildings all contributing to each other's setting.
53. The ABC Cinema is located on the opposite side of Lime Street on the junction for Ranelagh Street. The immediate setting of the ABC Cinema is a busy junction that is heavily trafficked with minimal public space located outside of the cinema. Because of the size of the kiosk and because of the existing street furniture and the vehicular traffic passing between the two sites the proposal would have a limited effect upon the setting of the ABC Cinema.
54. The kiosk would add a chunky structure with a plain utilitarian appearance which would introduce additional street clutter which would erode the open character of the street scene. This would harm the setting of the surrounding listed buildings and the setting of the WHS.
55. Whilst the site is located outside of the CA, the boundary for the CA cuts through the pavement adjacent to the site and does not necessarily follow a natural boundary. Therefore, the proposal would be seen within the setting of the CA. The street scene is characterised by wide open areas of public space and pavements alongside buildings of a great scale and imperious appearance. The proposal would introduce a modern utilitarian piece of street furniture which would add clutter to a relatively open area of the street scene that positively contributes to the character and appearance of the CA. Consequently, the proposal would not preserve the setting of the CA.
56. Because the kiosk would be a relatively modest structure, the harm to the significance of the asset would be less than substantial having regard to the Framework. Nonetheless the conservation of the asset must be given great weight. Paragraph 196 of the Framework notes that where there is less than substantial harm that the harm needs to be balanced against any public benefits of the proposal.
57. The kiosk would provide a range of additional communications and functions and capabilities, which would be free for public use. However, I do not consider that the public benefits of the proposal are sufficient to outweigh the harm I find in relation to this specific proposal.

#### *Public Safety*

58. At the time of the site visit, early afternoon on a weekday, there was a steady stream of pedestrian movement passing the site. Nonetheless, the kiosk would

be located on a relatively wide pavement and there would appear to be enough space to easily get past the kiosk and therefore, I do not consider the kiosk would be an obstruction to pedestrians or a particular hazard for those with disabilities. Therefore, I find no harm to public safety.

#### *Conditions*

59. The proposal would also be subject to the conditions set out in Schedule 2, Part 16, Class A of the GPDO which include implementation within five years from the date prior approval is given, the removal of the structure/apparatus when it is no longer required for electronic communications purposes and to be built in accordance with the details submitted with the application.
60. In addition to the standard conditions set out in Schedule 2, Part 16, Class A of the GPDO, the Council has suggested a single additional condition to control illuminance levels. However, there is no specific authority within this part of the GPDO to impose further conditions. In any event, given the commercial context of the kiosks where various sources of external lighting are not unusual, such control would not be necessary.

#### **Conclusion and Recommendations – Appeals A, B and C**

61. The proposed siting and appearance of the kiosks would not cause harm to the setting of the respective listed buildings because the proposals would in each case replace an existing phone box with a kiosk. This would reduce the overall amount of built form within the street scene and would remove an advertisement from within the setting of the listed buildings. As such the proposals would preserve the setting of the listed buildings and would not harm the character and appearance of the street scene or the WHS. No harm has been found in regard to public safety. For the reasons given above and having had regard to all other matters raised, I recommend that these appeals should be allowed.

#### **Conclusion and Recommendations – Appeals D, E and F**

62. The proposed siting and appearance of the kiosks would cause harm to the setting of the respective listed buildings in each of these cases and because these buildings contribute positively to the appearance of the street scene, the proposals would cause harm the character and appearance of the street scene and the WHS. Whilst no harm has been found in regard to public safety, this does not override the adverse visual effect of the proposals upon the character and appearance of the street scene. For the reasons given above and having had regard to all other matters raised, I recommend that these appeals should be dismissed.

*G Sibley*

APPEAL PLANNING OFFICER

#### **Inspector's Decisions**

63. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, Appeals A, B and C are allowed, and Appeals D, E and F are dismissed.

*P J Davies* INSPECTOR