



Appeal Decision

Site visit made on 11 January 2021

by Benjamin Webb BA(Hons) MA MA MSc PGDip(UD) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 01 February 2021

Appeal Ref: APP/K5600/W/20/3257931

Hans Crescent, Knightsbridge, London

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Harrods Limited and Carraig Investments Sarl against the decision of The Council of The Royal Borough of Kensington and Chelsea.
 - The application Ref PP/18/00489, dated 19 January 2018, was refused by notice dated 13 May 2020.
 - The development proposed is described as works to public highway to include replacement of lamp posts and benches with new street furniture, planters, two lines of bollards at each end of the street and provision of flower kiosk.
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Decision

1. The appeal is allowed and planning permission is granted for works to the public highway to include replacement of lamp posts and benches with new street furniture, planters, two lines of bollards at each end of the street and provision of flower kiosk at Hans Crescent, Knightsbridge, London, in accordance with the terms of the application, Ref PP/18/00489, dated 19 January 2018, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PA2000 Rev.01; PA2010 Rev.01; PA2020 Rev.01; PA2200 Rev.01; PA2201 Rev.01; PA2202 Rev.01; PA2203 Rev.01; PA2204 Rev.01; PA2205 Rev.01; PA2206 Rev.01; PA2250 rev.01.
 - 3) The detailed design of and materials used for the kiosk, bollards, benches, grilles, inlays and lamp posts hereby permitted, and their installation in relation to existing street trees, shall be in accordance with the details and method statement set out within the Design and Access Statement Rev. 01.

Procedural Matters

2. The description of development in the banner heading and my decision above is that used by the Council, as it is more concise and precise than that provided on the application form. Whilst the layout of the 'two lines of bollards' referenced changed during the course of the Council's determination of the scheme, the description does not indicate their exact positions. As such the description is capable of being understood with reference to the revised plans.

Main Issues

3. The scheme would entail a range of works to the public realm. In this regard the Council's objection to the scheme relates solely to the flower kiosk. That being so, the main issues are the effect of the proposed flower kiosk on:
 - heritage assets, including: whether the kiosk would preserve the setting of a Grade II* listed building, and preserve or enhance the character or appearance of Hans Town Conservation Area (the Conservation Area); and
 - pedestrian movement.

Reasons

Heritage assets

4. The site is the pedestrianised part of Hans Crescent. One frontage of Harrods, which is listed at Grade II*, faces onto the street. Insofar as it is relevant to the Appeal, the special interest and significance of Harrods resides in its architectural design, size, and street presence as a major historic department store. Though the building was originally constructed in the early 1900s, the elevation facing Hans Crescent was partly rebuilt in 1939, and features the contemporary Entrance 5, which has recently been refurbished.
5. The site is also located within the Conservation Area. Insofar as it is relevant to this appeal, the special interest and significance of the Conservation Area lies in the formal layout of streets, spaces and building it contains. Whilst these are predominantly residential, important historic commercial buildings along part of Brompton Road, including Harrods, are also included.
6. Hans Crescent is one of the various locations from which Harrods can be viewed, and inevitably provides part of its immediate physical setting. In this context the street represents a historic space within both the setting of the listed building and the Conservation Area at large. Its current arrangement, appearance and use as a 'public open space' is however largely the product of pedestrianisation works undertaken in the recent past. These have changed the character of the street, such that its previous identity, and the nature of its historic visual and physical relationship with the listed building and adjoining streets, has been obscured. The current character of the public realm therefore holds no particular historic interest, and contributes very little to the significance of either the listed building or Conservation Area. It is therefore clearly capable of beneficial change.
7. The proposed installation and layout of grilles, inlays and benches around and adjacent to existing street trees would on the one hand help to reinforce and redefine a sense of the spatial character of the historic street, and on the other draw attention to the proposed kiosk. The lightweight contemporary design and construction of the latter would indeed provide a visually intriguing focal point within a location currently lacking in any particular quality or interest.
8. Moreover, the design and intended use of the kiosk would provide a source of colour, attractiveness, visual interest and vitality, greatly enlivening the street scene. In this regard, the introduction of street trading activity to Hans Crescent would not appear incongruous, and nor would it diminish the quality of the public realm.

9. Nor would the scale, design of, or materials used for the kiosk compete with or detract from the character or appearance of the listed building. The kiosk would in fact improve the immediate setting of Entrance 5, and, by helping to draw visitors towards it, provide emphasis.
10. The design and fabrication of the kiosk, as too that of the grilles, inlays, benches and benches would all furthermore substantially improve the material quality of the public realm.
11. In all the above regards the scheme would, as a whole, broadly enhance the way in which both Hans Crescent and the store are experienced and perceived, helping to better reveal the significance of each.
12. For the reasons outlined above I conclude that the development would be acceptable with regard to its effects on designated heritage assets, preserving the setting of the listed building, and modestly enhancing the character and appearance of the Conservation Area. It would therefore comply with Policy CL1 of the Local Plan which requires development to contribute positively to the townscape and context; Policy CL2 which requires high quality design; Policies CL3 and CL4 of the Local Plan, which together seek to preserve and protect heritage assets; Policy CL11, which requires development to respect the setting of landmarks; and supporting guidance set out within the Transport and Streets Supplementary Planning Document (the SPD).

Pedestrian movement

13. The kiosk would occupy a space in the centre of the street. When in place, the kiosk would prevent pedestrians walking through this space. Based on the Council's measurements, 4.4 metres of clear pavement space would however remain between the kiosk and the frontage of Harrods, and 4.85 metres on the opposite side. This would be generally consistent with or exceed pavement widths which exist within the broader area, including at the busier Brompton Road end of Hans Crescent.
14. Moreover, the scheme would include the removal of benches which currently obstruct and disrupt pedestrian movement adjacent to Entrance 5 of Harrods, close to the proposed site of the kiosk. This would in turn facilitate a better and more logical flow of pedestrians across the frontage of the store and along the street than is currently possible.
15. At appeal the Council has raised the additional concern that the kiosk would compromise social distancing. In view of my findings above however, the ability to social distance should not be compromised by installation of the kiosk.
16. The Council has also raised concern that if outdoor seating areas are introduced to other parts of the street this would give rise to an adverse cumulative effect. However, though one such seating area is indicated on the plans, I have been provided with no clear evidence that others have been or in fact will be established. I therefore attach little weight to this concern.
17. Interested parties finally state that the kiosk would hamper evacuation of Harrods or the Underground. However, in view of my reasons above, and in the absence of any specific evidence, I see no reason why this should be case.
18. For the reasons set out above I conclude that the development would not be unacceptable with regard to its effect on pedestrian movement. The scheme

would therefore comply with Policy CR1 of the Local Plan insofar as the scheme will contribute towards the maintenance of a connected, inclusive and legible network of streets; Policy CR3 of the Local Plan, insofar as this requires the free, safe and secure passage of pedestrians to be maintained; Policy CR4 of the Local Plan which amongst other things seeks improvements to the visual, functional and inclusive quality of the streets; Policy CT1 of the Local Plan insofar as the scheme would not make walking any less easy or attractive; and supporting guidance set out in the SPD. No conflict with.

Conditions

19. I have imposed conditions setting out the time limit for commencement of development, and specifying the approved plans for sake of certainty. I have necessarily added reference to revision numbers.
20. The Council has recommended a condition limiting the kiosk's hours of operation on grounds of residential amenity. The nature of the noise concern, and the dwellings this condition would safeguard have not been identified, and nor has the reasoning underpinning the time brackets specified. It is otherwise likely that the kiosk's hours of operation would be similar to those of Harrods. The Council furthermore indicates that use of the kiosk would be the subject of licensing under separate legislation. The above being so, a condition is unnecessary.
21. The Council has also requested 2 conditions relating to tree protection measures. However, the standardised wordings provided do not directly relate to the circumstances in question. In this case the street trees form a key component of the scheme, which includes the installation of grilles around them. The practical implications of this are already covered within a method statement contained in the Design and Access Statement. It is otherwise unclear why a restriction of lopping, topping, felling or pruning should be necessary given their location within the Conservation Area, and given that no such works are proposed. As such I have not imposed these conditions.
22. Though the Council has proposed a condition requiring approval of the materials to be used on the external faces of the kiosk, for hard landscaping, and the submission of a lighting scheme, detailed information relating to these matters has again been included within the Design and Access Statement. In this context technical concerns have been raised regarding the uniformity of the proposed lighting, and the specified suppliers. However, variation in light levels is a considered part of the scheme design, which would lend interest in combination with night-time lighting of the kiosk itself, and it has otherwise been indicated that maintenance of non-standard street furniture would be the subject of separate agreement. It is therefore sufficient to impose a condition referencing the submitted details, adding further reference to the method statement noted above, in the interests of securing overall design quality.

Conclusion

23. For the reasons set out above I conclude that the appeal should be allowed.

Benjamin Webb

INSPECTOR