



Appeal Decisions

Site visit made on 6 December 2022

by K Townend BSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31st January 2023

Appeal A Ref: APP/P1940/W/22/3299819

NWP telephone kiosk, Pavement outside county library, opposite 93/95 High Street, Rickmansworth WD3 1EF

- 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 Mr Ben Porte, New World Payphones against the decision of Three Rivers District Council.
 - The application Ref 22/0306/FUL, dated 21 February 2022, was refused by notice dated 28 April 2022.
 - The development proposed is to remove and replace existing kiosks with new updated kiosk and integral advertisement display.
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Appeal B Ref: APP/P1940/H/22/3299823

NWP telephone kiosk, Pavement outside county library, opposite 93/95 High Street, Rickmansworth WD3 1EF

- 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 Ben Porte, New World Payphones against the decision of Three Rivers District Council.
 - The application Ref 22/0307/ADV, dated 21 February 2022, was refused by notice dated 28 April 2022.
 - The development proposed is to remove and replace existing kiosks with new updated kiosk and integral advertisement display.
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Decisions

1. Appeal A and B are dismissed.

Preliminary Matters

2. There are two appeals on this site. Appeal A relates to the refusal of planning permission for the kiosk and Appeal B relates to the Council's refusal to grant advertisement consent. The kiosk and the advertisement are integral to each other, and both are the subject of these appeals. I have dealt with each case on its individual merits, but to avoid duplication both proposals are considered together in this decision, except where otherwise indicated.
3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 require that advertisement appeal decisions are made only in the interests of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance confirm this approach.

Main Issues

4. The main issue with respect to Appeal A is the effect on the character and appearance of the area, specifically whether the proposal would preserve or enhance the character or appearance of the Rickmansworth Conservation Area.
5. With respect to Appeal B, as there is no dispute between the parties in relation to the proposed advertisement on public safety, the main issue is therefore the effect of the proposed advertisement on amenity, including the Rickmansworth Conservation Area.

Reasons

Character and appearance

6. The appeal site comprises a wide area of pavement opposite 93/95 High Street, Rickmansworth, outside the town library, within Rickmansworth Conservation Area. The Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at section 72(1) that with respect to any buildings, or other land, in a conservation area special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
7. The conservation area is supported by the Rickmansworth Conservation Area Appraisal and Character Assessment 1993 (the Appraisal). This sets out that the character of the area is of a typical small town, and the historic core is formed around High Street and Church Street. The Appraisal notes the range of buildings dating from the sixteenth century through to early 20th century. In so far as it is relevant to the appeals, I consider that the significance of the conservation area is mainly derived from the range of building ages, the relationship of the buildings and streets to each other, and the public realm between the buildings.
8. The Appraisal, amongst other matters, seeks to remove unsightly street furniture and replace it with a co-ordinated scheme. Although the Appraisal is dated from 1993 this does not automatically render it out of date, the historic features within the Appraisal are still present in the area and the overall aims of the Appraisal remain. The appeal site contributes positively to the character of the conservation area as it forms part of one of the main routes into the town and is seen within the range of building ages.
9. Several other items of street furniture are present near the site, including lighting columns, junction control lighting, bollards, timber planters, bus shelters and the notice board outside the adjacent library. Much of this street furniture is black and gold and has a heritage style design. There seems to be a clear and consistent design approach to the street furniture. The proposed kiosk would also be black and gold and, therefore, this colour would relate to the surrounding street furniture.
10. The design and scale of the kiosk, with the exception of the elevation containing the advertisement panel, is appropriate for the conservation area. However, the design of the elevation of the kiosk which faces the on-coming traffic is intended for the advertisement and without the advertisement would result in a solid, blank, structure within a heavy frame. This element of the design would therefore result in harm to the character and appearance of the area and harm, albeit less than substantial, to the conservation area.

11. Although the appellant notes that the kiosk could be constructed without the advertisement, the design of the largest side and principle of the kiosk is based on providing the structure for this part of the scheme. The appellant also suggests that the kiosk could be sited without the advertisement, however the advertisement is an integral part of the kiosk. The structure is designed to be a housing for the advertisement, along with a telephone and Wi-Fi access point.
12. I acknowledge that a future application could be submitted for a replacement kiosk, without an advertisement panel. However, that is not what is before me, and I have not been provided with any alternative plans. Furthermore, the description of development for the kiosk structure, as detailed in the banner heading above, includes the integral advertisement and both the planning application and appeal statement refer to the advertisement.
13. The advertisement panel would face towards on-coming traffic and display a sequence of images. Conditions could be imposed to control the length of the display, intensity of illumination and ensure the change in display is smooth. However, the advertisement panel is intended to draw attention and, due to its position, illumination and changing content, it would appear visually prominent, incongruous and an alien feature.
14. Within the immediate area around the site there is existing business advertising on premises and the non-illuminated poster advertisement, on the kerbside elevation of the existing kiosk. Albeit there may be some illuminated business advertising these are all above shop windows, static, and relevant to the context of the town centre location. There are no other internally illuminated poster advertisements in the immediate area. The appellant's reference to streetlamps, traffic lights and vehicles being examples of illumination in town centre locations are not considered comparable to the illumination of an advertisement panel. Moreover, illuminated business advertising is not comparable to the proposed advertising panel.
15. The proposal, as a whole, would be a modern and unsympathetic addition to the area which would not preserve, nor enhance, the character, or appearance, of the conservation area and would therefore be harmful to the amenity of the area. The harm to the conservation area is less than substantial, nevertheless this harm is of considerable importance and weight in my decision. There is a presumption in favour of the desirability of preserving or enhancing the character or appearance of the conservation area. The Framework advises that such harm should be weighed against the public benefits of the proposal.
16. The proposal would remove 2 existing kiosks which are in a poor condition and do not complement the other street furniture. The scheme would also result in a small increase in usable pavement and the new kiosk would be a more accessible structure than the existing enclosed kiosks. However, these benefits are modest and do not outweigh the demonstrable harm to the character and appearance of the area resulting from the proposal.
17. The proposal would also provide benefits to the community with the provision of a wayfinding screen, Wi-Fi and location-based information. However, the existing kiosks advertise Wi-Fi capability and therefore the community benefits of the new kiosks are limited which reduces the weight which can be given to these considerations. Cumulatively the benefits of the scheme do not outweigh the harm to the conservation area.

18. In relation to Appeal A, the proposal for a new telephone kiosk structure, by reason of the design of the rear panel intended as an integral advertisement, would be harmful to the character and appearance of the area and would not protect nor enhance the character or appearance of the Rickmansworth Conservation Area. The kiosk therefore does not comply with the requirements of Policies CP1 and CP12 of the Three Rivers District Council Local Development Framework Core Strategy 2011 or Policy DM3 of the Three Rivers District Council Local Plan Development Management Policies Local Development Document 2013 which, taken together, which seek high quality design, protect the built and historic environment and to conserve and enhance heritage assets. Moreover, the proposal would not comply with the requirements of the Framework in this regard.
19. In relation to Appeal B, I have taken into account Policies CP1 and CP12 of the Three Rivers District Council Local Development Framework Core Strategy 2011 and Policy DM3 of the Three Rivers District Council Local Plan Development Management Policies Local Development Document 2013 in so far as they are material in this case. Given I have concluded that the proposal would harm amenity the proposal therefore conflicts with these policies.

Conclusions

20. I conclude that Appeal A should be dismissed.
21. I conclude that the display of the advertisement would be detrimental to the interests of amenity. Appeal B is therefore dismissed.

K Townsend

INSPECTOR