

Appeal Decisions

Site visit made on 13 August 2023

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal A Ref: APP/Z5630/W/22/3305152

Pavement outside of 94-96 High St, Kingston upon Thames, KT3 4EX

- 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 BT Telecommunications PLC against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref: 22/01596/FUL, dated 28 April 2022, was refused by notice dated 11 July 2022.
 - The development proposed is described as the proposed installation of 1no. new BT Street Hub plus removal of associated BT kiosk(s).
-

Appeal B Ref: APP/Z5630/W/22/3305153

Pavement outside of 94-96 High St, Kingston upon Thames, KT3 4EX

- 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 BT Telecommunications PLC against the decision of the Council of the Royal Borough of Kingston upon Thames.
 - The application Ref: 22/01597/ADV, dated 28 April 2022, was refused by notice dated 11 July 2022.
 - The advertisement proposed is described as the installation of 2no. digital LCD display screens, one on each side of the BT Street Hub.
-

Decisions

1. Appeal A is allowed and planning permission is granted for the installation of 1no. new BT Street Hub plus removal of associated BT kiosks on the pavement outside of 94-96 High St, Kingston upon Thames, KT3 4EX, in accordance with the terms of application Ref 22/01596/FUL, dated 28 April 2022, subject to the conditions set out in the Schedule attached to this Decision.
2. Appeal B is allowed and express consent is granted for the installation of 2no. digital LCD display screens, one on each side of the BT Street Hub. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations and the additional conditions set out in the Schedule attached to this Decision.

Preliminary Matters

3. Appeal A relates to the refusal of planning permission for the proposed hub. Appeal B is in respect of refusal of advertisement consent for the LCD signage which would be an integral part of the proposed hub sought under Appeal A. I have considered both on their individual merits. However, to avoid repetition, I have dealt with the relevant issues concurrently.

Main Issue

6. The main issue in these cases is the effect of the proposal on the character, appearance and visual amenity of the locality.

Reasons

7. High Street is a busy commercial road and bus route which features an established array of shop frontage advertising, both modern and less modern. It appears to have a heavy pedestrian usage. The proposed hub would replace an existing kiosk situated on the eastern side of the road, on the pavement outside of Nos 94 – 96 High Street.
8. The Council contends that the proposed hub would have an overly dominant appearance within the street scene, would detract from the walking environment along High Street and would appear as clutter. In addition, it has not been demonstrated the hub has been suitably designed to minimise energy consumption in the provision of its services.
9. With respect to Appeal A, the eastern side of High Street, in the vicinity of the appeal site, has a wide pavement that includes a line of tree planting. The existing kiosk is sited close to the pavement kerb, and has a road sign showing parking information set on tall posts immediately to the side of it. Between the trees and the shop fronts from the appeal site southwards, there is generally clear passage for pedestrians along the pavement. Between the line of trees and the pavement edge, however, are cycle racks, a seat, a litter bin, and a bus stop, which cumulatively effectively prevent free access to significant pedestrian movements on this side of the pavement. Further south, beyond the bus stop, there is another kiosk, more cycle racks and a seat.
10. The hub would replace the kiosk currently on the site and is of slightly lesser width. On this basis, it would not represent any more of an obstruction to walkers along the road, particularly given the fact that existing pedestrian flows are currently concentrated on the rear portion of the pavement away from the appeal site. The Council notes that the communications features on the side of the hub may lead to obstruction during use. However, in my opinion, the existence of the road sign, on high posts beside the appeal site, would effectively preclude much pedestrian traffic from this position, and the configuration of the proposed hub would, therefore, have little or no practical impact on existing flows.
11. The proposed hub, although marginally taller than the existing kiosk, would be narrower and slimmer and would not appear overly dominant within its surroundings. As with the existing kiosk, it would line up with the existing street furniture on the pavement to the south, the visual appearance of which is softened by the existence of the street trees. It would not, on this basis,

result in a cluttered appearance to the street. Given the scale and commercial nature of the street, along with the varied modern shop frontages in the vicinity, I consider that it would respect the current character and appearance of the streetscape and would not be unduly prominent or obtrusive within it.

12. With regard to the issue of energy consumption, the Council refers to policy S12 of the London Plan. However, this Policy would appear to relate to major developments and would not, therefore, be directly relevant to this case. I accept that there is no evidence provided to compare energy usage between the hub and the existing kiosks, but the hub would provide additional public services and would appear not to exceed the recommended standards for illumination of advertisements as set out in the Professional Lighting Guide of the Institute of Lighting Professionals.
13. In the case of Appeal B, the same considerations apply with regard to the impact of the proposed hub on the character and appearance of this part of High Street. Given the design and scale of the advertisements on the hub, as compared with the existing kiosk, I find there is little reason to consider that the hub would appear incongruous or overly dominant in this busy and varied commercial setting.

Other Matter

14. The appellants have indicated that a second kiosk would be removed in conjunction with this proposal and that this would represent a further benefit. I have little information about this additional kiosk removal, and the removal may well represent a benefit to this other location. The additional benefit does not, however, directly affect the impact of the proposed hub at the appeal site which, in any case, I consider would not be harmful to the location along this part of High Street.

Conclusions

15. For the above reasons, I find that the proposal would preserve the character, appearance and visual amenity of the locality. It would align with Policies D3 and D8 of the London Plan, and Policies CS8 and DM10 of the Council's Core Strategy (CS), as they require well designed development to positively respond to the character of their locations. On this basis, I allow Appeal A.
16. For similar reasons, I find the proposal would preserve the visual amenity of the locality. It would thereby be consistent with the requirement within Policies CS8 and DM10 of the CS, insofar as they require development to protect the character, appearance and visual amenities of the public realm. On this basis, I allow Appeal B.

Conditions

16. I have considered the suggested conditions from the Council and, in addition to the standard condition limiting the lifespan of the planning permission, I have imposed a condition specifying the relevant drawings along with an Anti-Social Behaviour Management Plan as this provides certainty. In the interests of providing a mechanism to mitigate any undesired effects on amenity or of anti-social behaviour resulting from the construction and operation of the hub, I

consider that conditions in relation to these matters are reasonable and are included in the Schedule.

17. The advertisement consent would be subject to the 5 standard conditions, as set out in the Regulations.

Conclusion

18. For the reasons given above, Appeals A and B are allowed.

J D Westbrook

INSPECTOR

Schedule of Conditions:

1. The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans and documents: Drawing Nos: 001 Rev A, 002 Rev A, 003 Rev A; BT Street Hub Product Statement v 1.0 (February 2021); BT Street Hub Anti-Social Behaviour Management Plan Version 2.
3. The proposed Hub must be managed in accordance with the submitted BT Street Hub Anti-Social Behaviour Management Plan Version 2, and must include the ongoing use of an algorithm to identify repeated anti-social number use. The operator shall make available on reasonable request by the Council or the Metropolitan Police details of a review of the Management Plan 3 months after the first operation of the Hub. The review shall include the details of any changes required to the Management Plan to address any concerns raised by the Metropolitan Police. If any necessary changes to the Management Plan are identified they should be agreed in writing with the local planning authority (in consultation with the Metropolitan Police Designing Out Crime Team) and the changes shall be brought into action within 6 months after the first operation of the Hub.
4. No part of the development shall be made available for use until any damaged or altered areas of footway have been reinstated in accordance with Royal Borough of Kingston Council requirements.
5. The site and building works required to implement the development shall only be carried out between the hours of 08.00am and 18.00pm Monday to Friday and 08.00am and 13.00pm on Saturdays and not at all on Sundays or Bank Holidays.

The advertisement consent is subject to the 5 standard conditions, as set out in the Regulations.