

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/22/3305154

Pavement outside of 6 Clarence St, Kingston upon Thames, KT1 1NY

- 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: 22/01598/FUL, dated 28 April 2022, was refused by notice dated 8 July 2022.
 - The development proposed is described as the proposed installation of 1no. new BT Street Hub (following removal of associated BT kiosk(s)).
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Appeal B Ref: APP/Z5630/W/22/3305155

Pavement outside of 6 Clarence St, Kingston upon Thames, KT1 1NY

- 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: 22/01599/ADV, dated 28 April 2022, was refused by notice dated 8 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.
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Decisions

1. Appeals A and B are dismissed

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. Clarence Street is a pedestrianised street leading from its junction with Eden Street to its junction with Wood Street. The appeal site is located at the western end of the pedestrian area. At this point the street is bounded by the Listed 'Bentalls Department Store' on the north side, and the Locally Listed Barclays Bank building on the south side. The boundary of the Kingston Old Town Conservation Area (CA) runs along the middle of the street. The Barclays Bank building is noted as making a positive contribution to the CA and is a shopfront of merit with a ground-floor frontage of quality.
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 Clarence Street, and would appear as clutter, resulting in an overcrowded appearance. In addition, the proposed hub would be an obstruction on the pavement which would result in nuisance and inconvenience to pedestrians at times of busy usage of the footway. Finally, 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 existing street furniture around this western end of the pedestrian area comprises trees, bollards, cycle parking, a large advertisement hub, two telephone kiosks and seating, all creating a busy space. With the exception of one of the kiosks, all of the main street furniture and the trees are contained in a linear block on the southern side of the street. The 'Bentalls Department Store' building, on the northern side of the street, has restrained shop fronts of sympathetic design at ground-floor level, and is largely free of street furniture, with the exception of a small telephone kiosk.
10. The hub would replace the kiosk currently on the northern side of the pedestrian area but, by virtue of its greater width and height, would appear as a prominent visual intrusion on the northern side of the street. Since its wider side would face the direction of pedestrian flow, it would also be more of an obstruction to walkers than the existing kiosk along this part of the busy commercial street.
11. Whilst there is another existing kiosk and separate advertising hub along this part of Clarence Street, they are on the opposite side of the pedestrian area from the kiosk at the appeal site, which appears as an isolated and somewhat incongruous feature in the streetscape, and they are not readily seen in conjunction with the appeal proposal from either direction.
12. The site of the proposed hub would appear to be just outside of the boundary of the CA, but it would be situated between the Listed Building and the Locally Listed building. By virtue of its height, width and visual impact, the hub would impact adversely on the setting of the Listed Building as viewed from the main open part of the pedestrian area and, by virtue of its overall scale and prominence, it would effectively add to the appearance of clutter along this part of the street in the vicinity of the Locally Listed building.

13. 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 kiosk, 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. On balance, I consider this matter to be of neutral significance to my consideration of the main issue.
14. With regard to Appeal B, the same considerations apply as those relating to the impact of the proposed hub on the character and appearance of this part of Clarence Street, and the large illuminated displays would add to the harm to the visual amenities of the area already identified above.

Other Matter

15. 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 the potential benefits of this additional kiosk removal, but even though the removal may represent a benefit to this other location, it does not outweigh the harm done by the proposed new hub in its siting between important buildings either side of Clarence Street and within an otherwise relatively unobstructed section of a busy pedestrian area.

Conclusions

16. For the above reasons, I find that the proposal would not preserve the character, appearance and visual amenity of the locality. It would not 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 dismiss Appeal A.
17. For similar reasons, I find the proposal would not preserve the visual amenity of the locality. It would thereby not 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 dismiss Appeal B.

J D Westbrook

INSPECTOR