

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/22/3305150

Pavement outside of 79 Clarence St, Kingston upon Thames, KT1 1RB

- 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: 22/01592/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).
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Appeal B Ref: APP/Z5630/H/22/3305151

Pavement outside of 79 Clarence St, Kingston upon Thames, KT1 1RB

- 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: 22/01593/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. Appeal A is allowed and planning permission is granted for the installation of 1no. new BT Street Hub (following removal of associated BT kiosk) on the pavement outside of 79 Clarence St, Kingston upon Thames, KT1 1RB, in accordance with the terms of application Ref 22/01592/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. Clarence Street is a wide pedestrianised street leading from its junction with Eden Street to its junction with Wood Street. The appeal site is located at the eastern end of the street where there is a mix of older and more modern buildings with a range of modern shop fronts at ground level. It is a busy shopping area and features an established array of shop frontage advertising.
8. The Council contends that the proposed hub would have an overly dominant appearance within the street scene, appearing as clutter and 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 eastern end of Clarence Street widens out towards the junction with Eden Street, and the appeal site lies at a point beyond which the street begins to narrow to the west. However, given the width of the street at this point, the scale of the hub and display would be moderated by the space about it and although it would be a significant feature, it would be narrower and slimmer than the two existing telephone kiosks that currently exist on the site. On this basis, and given the scale and commercial nature of the street, it would respect the current character and appearance of the streetscape and not be unduly prominent or obtrusive within it.
10. The hub would replace the two kiosks currently on the site and, by virtue of its lesser width and depth, would arguably be less of an obstruction on the pavement. The Council notes that the communications features on the side may lead to obstruction if used by persons in wheelchairs. However, in my opinion, the pedestrian area here is of a wide enough character to accept such use without any significant adverse effects on pedestrian flows.
11. There is limited street furniture in the immediate proximity of the hub, being confined chiefly to seating, bollards, street lights and cycle hoops to the sides of the main central pedestrian area. The proposed hub, effectively appearing more 'streamlined' than the two existing kiosks, would line up with the cycle hoops, and would be partly screened from view by nearby semi-mature trees on the northern side of the street, or would be seen with those trees as a backdrop. It would not, on this basis, result in a cluttered appearance to the street.

12. Whilst there are other existing kiosk/hubs along this part of Clarence Street, they are some distance from the appeal site and are not readily seen in conjunction with the appeal proposal from either direction.
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 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.
14. With regard to Appeal B, the same considerations apply to the impact of the proposed hub on the character and appearance of this part of Clarence Street. The issue of illumination has been raised earlier and, subject to controlling lighting by way of a condition, I find there is little reason to consider that the hub might appear incongruous or overly dominant in the commercial setting.

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 ti

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 from the construction and operation of the hub, conditions in relation to these matters are reasonable and 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.