

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/22/3305160

Pavement outside of 26-34 The Broadway, Tolworth, KT6 7HL

- 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: 22/01606/FUL, dated 28 April 2022, was refused by notice dated 7 July 2022.
 - The development proposed is described as the proposed installation of 1no. new BT Street Hub plus removal of associated BT kiosk(s).
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Appeal B Ref: APP/Z5630/W/22/3305161

Pavement outside of 26-34 The Broadway, Tolworth, KT6 7HL

- 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: 22/01607/ADV, dated 28 April 2022, was refused by notice dated 7 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 and Appeal 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. The Broadway is a busy commercial road and bus route with a wide range of shops and other commercial properties. It appears to have a medium to heavy pedestrian usage. The hub would be around 3 metres high by 1.2 metres wide, and would be sited on the pavement outside of Nos 26-34 The Broadway, which has a long modern shop front associated with an Iceland Store.
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 Tolworth Broadway, and would appear as clutter, resulting in an overcrowded appearance. It would also 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 western side of The Broadway, in the vicinity of the appeal site, has a restricted pavement width due to the existence of parking bays, including a small length of a wider disabled parking bay at its southern end. Beyond the parking bays at either end are seating areas, cycle hoops, planters, and a small refuse bin and communication box. However, for the length of pavement running alongside the parking bays there is no street furniture except for a street lamp and small post supporting a parking information notice, such that the pavement is unobstructed for pedestrian use.
10. The proposed hub would, therefore, be sited within a length of narrow but largely open pavement. It would project across the pavement beyond the rear of the disabled bay by almost a metre and, as a result, it would block free pedestrian flow at this point. In addition, it would represent an obstruction at a point very close to where the users of the disabled bay would move onto the pavement.
11. While the design of the hub would not, in itself, clash with the modern shop front of the Iceland Store, its scale and prominence would result in clutter on this otherwise unobstructed section of the pavement, where existing street furniture is still relatively small in scale, and restricted to areas close to the pavement edge away from the parking bays.
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. I find this to be a consideration that is effectively neutral to the main issue in this case.

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 The Broadway. Given the siting of the hub and the scale of the advertisements on it, I consider that the hub would be highly prominent on this section of what is otherwise a narrow but unrestricted area of pavement, and it would appear overly dominant in this setting.

Other Matter

14. The appellants have indicated that two kiosks would be removed from elsewhere in the wider area in conjunction with this proposal, and that this would represent a further benefit. I have little information about these additional kiosk removals, and the removals may well represent a benefit to these other locations. The additional benefit does not, however, directly affect the impact of the proposed hub at the appeal site, and I consider that any resultant benefits would not, therefore, outweigh the harm caused by the proposal to the character and appearance of the area along this part of The Broadway.

Conclusions

15. 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.
16. For similar reasons, I find the proposal would not preserve the visual amenity of the locality. It would therefore not be consistent with 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