



Appeal Decisions

Site visit made on 15 August 2023

by K L Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 September 2023

Appeal A Ref: APP/Z5630/W/22/3308886

Pavement opposite 2 Station Buildings, Fife Road, London KT1 1ST

- 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 Thomas Johnston (JC Decaux UK Ltd) against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref 22/01117/FUL, dated 4 April 2022, was refused by notice dated 20 July 2022.
 - The development proposed is the installation of a multi-functional Communication Hub including advertisement display, as illustrated in the attached documentation.
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Appeal B Ref: APP/Z5630/H/22/3308888

Pavement opposite 4/5 Station Buildings, Fife Road, London KT1 1ST

- 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 Thomas Johnston (JC Decaux UK Ltd) against the decision of the Council of the Royal Borough of Kingston Upon Thames.
 - The application Ref 22/01118/ADV, dated 4 April 2022, was refused by notice dated 5 October 2022.
 - The advertisement proposed is the installation of a multi-functional Communication Hub including advertisement display, as illustrated in the attached documentation.
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Decisions

1. Appeal A is dismissed.
2. Appeal B is dismissed.

Preliminary Matters

3. The addresses on the application forms for the planning appeal and the advertisement appeal differ as set out in the banner above. However, from the documentation submitted I am satisfied that they relate to the same proposal at the same site. For the avoidance of doubt therefore, the appeal site address for both appeals is as per Appeal B and I have determined the appeals accordingly.
4. As set out above, there are two appeals on the site. I have considered each proposal on its own individual merits. However, the communication hub and advertisement are inextricably linked in each case. I have considered each proposal on its individual merit and with regard to the relevant legislation, policy and guidance. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.
5. With respect to Appeal B, the Council has referenced policies it considers to be relevant to this appeal and I have taken these into account as a material consideration. However, powers under the Town and Country Planning (Control

of Advertisements) (England) Regulations 2007 to control advertisements may only be exercised in the interests of visual amenity and public safety, taking account of any material factors. Consequently, the Council's policies have not by themselves been decisive in my determination of appeal B.

Main Issues

6. For both appeals the main issues are the effect of the development on:
 - the character, appearance and amenity of the area; and
 - highway (public) safety, with particular regard to the safe movement of pedestrians.
7. For Appeal A only, an additional main issue is whether the proposed development has been suitably designed to minimise energy consumption.

Reasons

Character and Appearance

8. The appeal site is located on an area of footpath outside 4/5 Station Buildings on Fife Road within Kingston-upon-Thames town centre. Fife Road is one-way for vehicles and forms a busy pedestrian and cycle route into the town centre from the railway and bus stations close by. Station Buildings is an attractive two storey building with a restaurant with a retractable awning and opening bifold windows at ground floor. The proposed communications hub would be located on an area of pavement close to a bend in the road and a junction into a car park. This section of pavement contains several bollards but is notably, otherwise free of street furniture. The lack of visual clutter in this section of the road contributes positively to the character of the street scene.
9. The proposed hub would be positioned close to the pavement edge and so that the advertisement panel would face towards pedestrians entering the street from the station on a large, illuminated screen. It would be viewed in tandem with a similar installation further around the corner on the road. Within its context in the road, the cumulative effect and dynamic nature of the digital advertisement panels, capable of displaying several static images over time would be a visually dominant feature. Whilst light levels emitted would or could be reduced overnight, it would nevertheless be a bright feature in the road. Furthermore, the proposal would appear visually intrusive, introducing an element of clutter where there is otherwise very little.
10. The proposal would therefore have an adverse effect on the character, appearance and amenity of the area. It would, therefore, conflict with Policies CS8 and DM10 of the Kingston upon Thames Local Development Framework Core Strategy 2012 (the CS) which requires development to relate well and connect to its surroundings and respect the character and local distinctiveness of an area, and avoid locating structures, such as the type proposed where they would result in an adverse effect on the character and visual amenities of the local and wider area.

Pedestrian Safety

11. Fife Road is a busy thoroughfare providing access to the nearby shopping centre and the town centre. I observed a high and constant flow of pedestrians through the area on a weekday morning, and I am mindful that pedestrian

flows would be likely to be higher at weekends or when events in the town centre are taking place.

12. The proximity of the appeal site to a pedestrian crossing providing access to the town centre from the train and bus stations means that pedestrians are more likely to be moving through the area in large groups, which was the case on my site visit where I observed several waves of pedestrians entering the street and passing through this area of pavement.
13. The position of the proposal would significantly reduce the width of available pavement between the façade of the building and the roadside which includes a cycle lane. It would therefore be a substantial barrier to pedestrian movement within the street. Whilst it would not prevent people from passing along the street, it would significantly hinder free movement along it. Its siting would compel people, especially those in groups or pushing prams, wheelchairs or bicycles to have to consciously consider how best to pass through the space.
14. For these reasons, the proposals would adversely affect the safe and free movement of pedestrians at this location. Thus, there is conflict with Policy DM10 of the CS, which requires regard to the given to the public realm and to ways in which it can be enhanced as an integral part of the design of the development and not adversely affect highway safety. There would also be conflict with paragraph 111 of the National Planning Policy Framework (the Framework) which seeks to ensure that development does not have any unacceptable impacts on highway safety.

Energy Consumption – Appeal A only

15. The Council is concerned that the energy consumption of the proposed unit would be equivalent to that of three houses per day, and therefore it would be not unreasonable to consider the proposal equivalent to that of building development. Whilst Policy SI2 of the London Plan is not relevant in this case as it only refers to major development, paragraphs 152 and 154 of the National Planning Policy Framework (the Framework) support the use of renewable and low carbon energy and promote the design of new development to help reduce greenhouse gas emissions.
16. The hub would be fitted with a solar panel, and the appellant states that it uses energy from green sources, which I agree are measures which, in part, would reduce the energy consumption of the proposed unit. Although the specifications of the hub state that the LED display would be dimmable to minimize power consumption, it has not been demonstrated whether the panel would be dimmed routinely at certain times of the day specifically to reduce energy consumption. Neither does the specification state what percentage of the unit's energy consumption would be capable of coming from the solar panel.
17. It has therefore not been demonstrated that the proposed development has been designed to minimise the consumption of energy. There would, therefore, be some conflict with the requirements of paragraphs 152 and 154 of the Framework in so far that I cannot reasonably ascertain whether the appellant has done all that is possible to minimise energy use from the proposal.

Conclusion

18. The proposal would harm the character, appearance and visual amenity of the area. It would also adversely affect pedestrian movements in the area. As such, in respect of Appeal A, it would be contrary to the development plan when read as a whole. In respect of Appeal B, it would be detrimental to both amenity and public safety, and as such would conflict with the development plan in so far as it is relevant to the determination of the appeal.
19. The communications hub would, however, provide an efficient, reliable and free to use public service and would incorporate a defibrillator. Although it would also be powered by energy from renewable sources it has not been demonstrated that energy consumption by the proposal has been minimised. I have further considered the conditions suggested by the appellant relating to illuminance and restrictions on the display of images within the advertisement panel. Nevertheless, these benefits and measures would not outweigh the harm identified above.
20. Therefore, for the reasons given above both Appeal A and Appeal B are dismissed.

K L Robbie

INSPECTOR