



Appeal Decisions

Site visit made on 19 December 2023

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th January 2024

Appeal A Ref: APP/J2373/W/23/3323387

Pavement outside 53 Topping Street, Blackpool, FY1 3AF

- 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 New World Payphones against the decision of Blackpool Borough Council.
 - The application Ref 23/0205, dated 20 March 2023, was refused by notice dated 19 May 2023.
 - The development proposed is the installation of a telephone kiosk and ancillary advertisement display.
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Appeal B Ref: APP/J2373/H/23/3323380

Pavement outside 53 Topping Street, Blackpool, FY1 3AF

- 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 New World Payphones against the decision of Blackpool Borough Council.
 - The application Ref 23/0206, dated 20 March 2023, was refused by notice dated 19 May 2023.
 - The development proposed is the installation of a telephone kiosk and ancillary advertisement display.
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Decision

1. Appeal A and Appeal B are dismissed.

Procedural Matter

2. There are two appeals relating to the site, one against a refusal of planning permission and the other against a refusal of advertisement consent. They are intrinsically linked as one concerns a kiosk upon which, amongst other things, an advertisement would be displayed, and both raise similar issues. To avoid repetition, while considering each on its own merits, I have dealt with both in a single decision letter.
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Main Issues

3. The main issues in respect of Appeal A are the effect of the proposal on:
 - The character and appearance of the Town Centre Conservation Area (CA), and
 - Highway safety along Topping Street with particular regard to pedestrian movement.
4. The main issue in respect of Appeal B is the effect of the proposed advertisement on the character, appearance and amenity of the CA.

Reasons

5. The appeal site is located on the western side of Topping Street. Topping Street is a busy shopping street running north-south in the centre of Blackpool. The road is one-way from south to north, and pedestrian and road surfaces have recently been upgraded, such that the roadway is narrow, and winds between parking and loading bays.
6. The proposed kiosk would have a footprint of around 0.8 sqm, and would be around 2.5m high; 1m wide, and 0.76m deep. It would have a multi-functional communication interface that would include a new telephone system with the ability to accept credit/debit card, contactless and/or cash payment; a 24-inch LCD display providing an interactive wayfinding capability; equipment for the provision of Wi-Fi access points and/or equipment for the provision of public small-cell access nodes; and location-based information.
7. Policy CS7 of the Council's adopted Local Plan: Part 1 (LP) indicates that new development in Blackpool is required to be well designed, and enhance the character and appearance of the local area, and will not be permitted if it causes unacceptable effects by reason of visual intrusion on local character or amenity. Policy CS8 indicates that developers must demonstrate how any development affecting heritage assets (including conservation areas) will conserve and enhance the asset, its significance and its setting.
8. Policy DM17 of the Council's adopted Local Plan: Part 2 (LP) indicates that development should have regard to a number of characteristics of the local area including heritage assets and their setting; the scale, height, massing and roofscapes; and vertical and horizontal rhythms created by windows and other architectural features. Policy DM27 indicates that development in conservation areas should be appropriate to their context including setting, scale, density and physical characteristics. Policy DM41 indicates that development proposals must ensure that convenient, safe and pleasant pedestrian access is provided.
9. The Council contends that, due to its appearance, size and siting, the kiosk would form an incongruous and over-dominating feature in the street-scene and the CA, where the limited public benefits arising from the installation would be insufficient to outweigh the visual harm. In addition, as a result of its siting and orientation, the installation would form an unacceptable obstruction to the flow of pedestrians on the western side of Topping Street, therefore having an unacceptable highways safety impact.
10. The appellants contend that the area is commercial in character with a mix of shops and other town centre uses. At street level, the appearance of the area

is shaped by a mix of modern and traditional shop fronts and bay parking for cars and unloading of goods. They note that various items of street furniture are positioned along this section of the street, including lampposts, benches, refuse bins, cycle stands, and bollards. The proposed development would have a small footprint and would be sited broadly within the row of street furniture. It would not materially decrease the space available to pedestrians, nor would it affect views or visibility to any significant degree. Finally, within this part of the CA, the character is shaped by a mix of buildings within a modern public realm, effectively blending of the old and new, such that the modern design of the kiosk would not appear out of character.

Character and appearance – both appeals

11. The northern end of Topping Street, within which the appeal site is located, is characterised by a range of shops and other commercial uses in long terraces of largely two-storey buildings, with some three-storey buildings at each end. From the information available to me, Topping Street has recently benefitted from a grant scheme to replace a number of shop fronts with a more traditional design. While there are some units still with modern shop-front signage and overall appearance, many retain a more traditional frontage, or have been re-designed to appear as such. No 53 is a small unit with a traditional-style frontage, and is located within a short terrace of low, two-storey buildings, comprising Nos 53-59, which together have a horizontal rhythm. It is to these buildings that the kiosk, with a pronounced vertical rhythm, would primarily relate and against which it would be largely seen.
12. I note that along this northern part of Topping Street, and particularly on the length of pavement in the vicinity of the No 53, street furniture is limited to low-level features such cycle racks, seats, planters, bollards and bins. By virtue of its height, design and prominence the kiosk would conflict with the context of these elements, and would be harmful to the character and appearance of the street. Moreover, it would, on the basis of its size and prominence, appear as an element of clutter, out of scale with the other low-level and low-key items of street furniture. In addition, the scale and design of the advertisement element on the southern side of the kiosk, would appear out of character with the traditional frontage of No 53 itself, in the context of which it would be most clearly seen.
13. With regard to both appeals, therefore, I find that the proposed kiosk would be a prominent feature in the street scene, and it would add a degree of visual clutter to the area. It would, on this basis, be harmful to the character and appearance of the street and, thus, to the CA. In the light of this, it would not enhance the character and appearance of the local area and would cause unacceptable effects by reason of visual intrusion on the local character and visual amenity. It would be inappropriate in its context and would, therefore, conflict with Policies CS7, CS8, DH17 and DH27 of the LP.

Highway safety – both appeals

14. Policy DM41 of the LP seeks to ensure convenient, safe and pleasant pedestrian access. It seeks to promote walking and requires that the design process should take into account the needs of all users, including people with

disabilities, the elderly and parents with young children. In this case, the kiosk would be sited in line with a number of other items of street furniture in the immediate vicinity, including bicycle hoops, seats and planters. While it would be much taller than these items, it would not project significantly further into the most useable element of the pavement closest to the shop fronts, and would not, in my opinion, be likely to cause any harm to the passage of pedestrians along this part of the street.

15. On this basis, by virtue of its limited footprint and siting in line with a number of other items of street furniture, the kiosk would not represent a significant obstruction to free pedestrian movement along the street. It would, therefore, not be harmful to highway safety, and would not be contrary to Policy DM41 of the LP.

Other Matter

16. The appellants contend that the proposed kiosk should be seen as a replacement for an earlier kiosk that existed further north on Topping Street, beyond its junction with Deansgate, but which has now been removed. From the limited information available on this matter, it would appear that the kiosk was removed as part of highway improvement works in 2020. Whatever the background, the kiosk no longer exists, and has not done so for some time, and so I do not consider that the current proposal can be seen as a replacement for it. Moreover, the context of that site is very different, and in any case, for the reasons given above, I have found that the proposed kiosk would be harmful to the character and appearance of the area, and the historical existence of the earlier kiosk does not affect that conclusion.

Balance

17. Paragraph 199 of the National Planning Policy Framework (NPPF) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation, whilst Paragraph 200 states that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification. In terms of the NPPF, the harm I have identified to the CA would be less than substantial. Paragraph 202 of the NPPF requires me to weigh this harm against the public benefits of the scheme.
18. The NPPF also notes the importance of high-quality communications infrastructure, and that the planning system should support such development, aiming to secure high quality and reliable digital infrastructure. However, I must balance this against the impact of the proposal on the character and appearance of the area, and I have identified harm in that regard.
17. I acknowledge that the proposed kiosk would provide some services to the public which could enhance experience of the centre (such as WiFi and wayfinding capabilities), improved network coverage, and provide services to the mobility impaired. However, I am not persuaded that such services could not be provided in a less obtrusive way or location, and I consider that the benefits would not, in this case, outweigh the harm identified.

Conclusion

15. I have balanced potential benefits of the proposal against its impact on the character, appearance and visual amenity of the area. In this case, I consider that, whilst the kiosk would have a neutral effect on highway safety, it would be harmful to the character and appearance of Topping Street and the wider CA, and any benefits would not outweigh the harm identified. For these reasons, and having considered local plan policies and all other material considerations, I conclude that Appeal A and Appeal B should be dismissed.

J D Westbrook

INSPECTOR