



Appeal Decision

Site visit made on 11 October 2023

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th February 2024

Appeal Ref: APP/M2515/W/22/3313764

Footpath outside Marks and Spencer, 204 High Street, Lincoln LN5 7AU

- 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 PLC against the decision of City of Lincoln Council.
 - The application Ref: 2022/0676/FUL, dated 15 August 2022, was refused by notice dated 16 November 2022.
 - The development proposed is described as "removal of existing BT phone box and installation of a proposed replacement BT street hub and associated display of advertisement to both sides of the unit".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. There is a discrepancy between the site address cited on the planning application form and that referred to on the Council's decision notice. However, from the site location plan and my site visit I am satisfied that these refer to the same site. I have used the former address for the purposes of this decision as that is what the appellant originally stated.
3. The display of advertisements falls under the scope of separate Regulations to those for planning applications. Therefore, despite the description of development provided by the appellant my assessment of this appeal proposal does not extend to the display of any advertisements.
4. At the time of my site visit ongoing renovation works partly obscured nearby High Bridge's elevation onto High Street. Nonetheless, the written evidence before me and my site observations have enabled sufficient appreciation and understanding of the special interest features and value of that particular designated heritage asset, its setting and its juxtaposition with the appeal proposal.
5. Since the appeal was lodged, a revised National Planning Policy Framework (the Framework) has been published. Although I have made my determination against that updated national policy context, the relevant changes relate to formatting and do not raise any new matters which are determinative to the outcome of this appeal.

Background and Main Issues

6. The appeal site falls within close proximity to several buildings of special interest and value. These are Grade I Listed and Scheduled 'High Bridge' and 'Stonebrow and Guildhall', the Grade II* Listed 'Church of St Benedict', the

Grade II Listed 'war memorial' to the front of that designated heritage asset and Grade II Listed Nos 214-215 High Street, Nos 305-306 High Street and No 310 High Street. Lincoln's 'City Centre Conservation Area No 1' contains the surrounding setting to all of these important designated heritage assets. Therefore, the most significant factor in this case relates to the size, design and positioning of the appeal proposal. In this context the main issues are:

- whether or not the proposed development would preserve or enhance the character or appearance of the 'Cathedral and City Centre Conservation Area No 1'
- whether or not the proposed development would preserve the setting or features of special architectural or historic interest of nearby Listed Buildings, including Grade I Listed 'Stonebrow and Guildhall' and also Grade I Listed 'High Bridge'; and
- the effect on 'Stonebrow and Guildhall' and 'High Bridge' which are Scheduled Monuments.

Reasons

Character and Appearance of Conservation Area

7. The submitted character appraisal which covers this particular Conservation Area confirms that its significance rests in its historical incremental burgage plot development along primary routes such as High Street since the Roman Military Era (60-90AD). Significance is also derived from its surviving historic urban grain that evolved as the City's prosperity increased, its great diversity of building types, periods, architectural styles and detailing and also the high concentration of Listed Buildings and Scheduled Monuments.
8. Late 20th Century street furniture including lighting columns, seats, bins, raised planters, telephone kiosks, interpretation boards and other signage are evident along the length of High Street. These tend to be positioned centrally between either side of the commercial premises that line this pedestrianised historic shopping street. Illuminated features within this part of the Conservation Area are subtle, being limited to street lighting, telephone kiosks and the shop fronts and their signage that line its edges. These features do not unduly compete with the area's remaining historic features, including its buildings and their stature within the linear urban grain that defines the commercial character and significance of this part of this Conservation Area.
9. The appellant seeks to update its late 20th century public communication infrastructure to meet 21st century needs. To this end, the appeal proposal would replace a rather unremarkable and visually recessive telephone kiosk by virtue of its glazing and colour finish. This would not give rise to the loss of any important historic fabric or feature. Furthermore, the appeal proposal would not result in an increase in the amount of street furniture. Its siting would follow a similar pattern to the positioning of other street furniture in this area.
10. At the time of my visit no other similar structures to the appeal proposal were evident within the locality and no others in the pipeline have been brought to my attention. By virtue of the combination of its modern format, vertical proportions, finished height, solidity and illumination, the appeal proposal would be an uncharacteristic feature in this particular locality. These credentials, coupled with its orientation and extremely exposed positioning

within the street, albeit reflecting the siting of the existing kiosk, would significantly heighten the visual prominence of the appeal proposal from both close and longer distance vantage points within High Street.

11. Consequently, the particular proposal before me would result in the introduction of an unduly dominant and discordant feature which would be an unsympathetic contrast with this particular built historic context. Crucially, the particular appeal proposal would visually interrupt and distract from the important character and appearance of the prevailing historic street scene on approach in either direction along High Street. This would negatively affect how the remaining historic elements of that street scene would be experienced and therefore its significance as a designated heritage asset. Whilst the popularity of this public facility relies partly on its visibility to users, in this particular instance the appellant has not achieved an appropriate balance between its physical presence and how the significance of its historic context is and should continue to be experienced.
12. In view of my findings, the appeal proposal would neither preserve or enhance the character or appearance of the 'Cathedral and City Centre Conservation Area No 1' but would harm it.
13. By virtue of its nature and scale, the effect of the appeal proposal on the Conservation Area would, in terms of the Framework, amount to less than substantial harm.
14. In terms of public benefits, the appeal proposal would provide a technologically up to date communication and information 'street hub'. It would increase and improve Wi-Fi and mobile coverage, provide access to free phone calls, dedicated emergency call buttons and public messaging and information for all in an energy efficient manner. It would rationalise the need for multiple pieces of street furniture and result in the removal of a rather tired feature in the street scene. I attach moderate weight to each of these benefits.
15. However, I afford considerable importance and weight to the harm I have identified. Overall, I find that the public benefits of the appeal proposal do not outweigh the harm that would arise. Therefore, that harm is unjustified, and the appeal proposal does not accord with the Framework.
16. In view of this, the appeal proposal would conflict with Policy LP25 of the Central Lincolnshire Local Plan (the Local Plan). In addition to supporting diversity, equality and access for all, Policy LP26 of that Plan requires that all development must achieve high quality sustainable design. However, in doing so proposals must contribute positively to local character and townscape and relate well to its surroundings and embrace new opportunities for new technologies which sympathetically complement or contrast with the local architectural style. In view of the identified harm the appeal proposal also conflicts with this local policy. Overall, this local policy approach is consistent with the Framework's approach to the historic environment.
17. In overall conclusion on this matter, by virtue of its scale, design and positioning the proposed development would not preserve or enhance the character and appearance of the 'Cathedral and City Centre Conservation Area No 1' but would harm it and there are no compelling public benefits which would outweigh that harm.

Setting of Listed Buildings and Scheduled Monuments

18. Although the appeal proposal would fall within proximity of several Listed Buildings, the Council's concerns rest with its effect on the Grade I Listed and Scheduled 'Stonebrow and Guildhall' and also the Grade I Listed and Scheduled 'High Bridge'. These two particular heritage assets enjoy the highest order of national heritage designations.
19. The historic and architectural special interest features of the 'Stonebrow and Guildhall' are derived from its medieval origins. Dating back to the 15th Century, it remains as a distinctive medieval gateway into the city which announces the arrival into the historic heart of Lincoln. Given its highly commanding position at the head of High Street, in terms of views to and from it, the setting of 'Stonebrow and Guildhall' includes the length of this historic primary route.
20. The historic and architectural special interest features of 'High Bridge' include its historical role as a strategic bridging point over the River Witham since Roman times. Furthermore, dating back to the 12th Century, it is a surviving example of a medieval bridge carrying timber framed shops and houses. In terms of views to and from it, whilst the setting of 'High Bridge' includes a slightly more confined length of the historic primary route of High Street, it also includes the appeal site.
21. The historic commercial city centre setting of these two Listed Buildings is integral to their heritage significance in both historical and cultural terms. Furthermore, the remaining historic elements of this particular townscape setting feature heavily in the uninterrupted linear views. Those views are framed by the prevailing traditional built fabric. This enables the continued appreciation of the important roles these Listed Buildings have played through the ages in signifying the City's status and emerging prosperity along this primary route.
22. In view of its central position between either side of the High Street, the appeal proposal would be experienced to varying degrees within the foreground setting to the principal elevations of these two nationally highly important historic buildings as they line this well-traversed part of the City.
23. The orientation, solid design and height of the proposed structure would not afford the same transparency and recessive appearance as the glazed telephone kiosk that it would replace. Coupled with its central positioning and illumination, the appeal proposal would be highly discernible upon approach from a distance in either direction within this particular historic street scene and setting for these key Listed Buildings.
24. Significantly, the proposed position and orientation would cause the appeal proposal to be read directly against the principal elevation of 'Stonebrow and Guildhall' and at an oblique angle against 'High Bridge'. The solidity, height, orientation and illuminated nature of the appeal proposal would unduly interrupt the visual appreciation of elevations of considerable historical and architectural significance as experienced along this historic primary route.
25. The resulting change to how these important heritage assets are appreciated would be highly evident on approach at both medium to closer range vantage points. Furthermore, the particular intervisibility of these two heritage assets

with the appeal proposal would also give rise to a negative change to outward views of their common historic city centre setting.

26. Crucially, this change would constitute harm to 'Stonebrow and Guildhall' and 'High Bridge' because the appeal proposal would diminish the ability to read their historic context and appreciate the interrelationships between these important heritage assets and High Street as a historic primary route through the City.
27. Having special regard to the desirability of preserving these buildings and their setting, and any features of special architectural or historic interest which they possess, I find that the harm that would arise from the appeal proposal would fail to preserve their setting which contributes to the significance of these nationally important heritage assets and so would diminish it. By virtue of its nature and scale, the effects of the appeal proposal on these two particular Listed and Scheduled assets would, in terms of the Framework, amount to less than substantial harm in each instance.
28. All of the public benefits of the appeal proposal which I identified earlier are relevant to my assessment of this main issue in the context of the Framework. For the reasons given previously, I attach moderate weight to each of these benefits. However, I afford considerable importance and weight to the identified harm to each Listed Building and to each Scheduled Monument. In doing so, I find that the public benefits of the appeal proposal do not outweigh the harm that would arise to any of those identified assets on their own and would cause even greater harm cumulatively. Therefore, the harms that would arise from the appeal proposal to each asset are unjustified in this instance. Consequently, the appeal proposal would conflict with Policy LP25 of the Local Plan.
29. In view of my findings on the effect of the appeal proposal on the Listed and Scheduled 'High Bridge' and 'Stonebrow and Guildhall' it serves no favourable purpose to the appellant in me making any further individual assessments on the effect on the setting of the other neighbouring Listed Buildings identified earlier.
30. Overall therefore, I find that by virtue of its size, design and illumination the appeal proposal would not preserve the setting or features of special architectural or historic interest of nearby Listed Buildings, including Grade I Listed 'Stonebrow and Guildhall' and also Grade I Listed 'High Bridge'. Furthermore, the erosion of these assets' setting arising by the appeal proposal would cause further unacceptable harm to 'Stone Brow and Guild Hall' and 'High Bridge' as Scheduled Monuments. There are no compelling public benefits which would outweigh those harms.

Conclusion

31. In view of my findings, the appeal proposal conflicts with the development plan as a whole. The matters weighing in its favour do not outweigh that conflict. For the reasons set out above and having had regard to all matters raised, I conclude that the appeal should fail.

C Dillon

INSPECTOR