

Appeal Decision

Site visit made on 18 January 2024

by Martin Andrews MA(Planning) BSc (Econ) DipTP & DipTP(Dist) MRTPI
an Inspector appointed by the Secretary of State

Decision date: 12.03.2024

Appeal A Ref: APP/L5810/W/23/3325310
Pavement outside 38 Hill Street, Richmond TW9 1TW

- 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 Martin Stephens, J C Decaux UK Ltd against the decision of the Council of the London Borough of Richmond.
 - The application, Ref. 23/0488/FUL, dated 23 February 2023, was refused by notice dated 18 April 2023.
 - The development proposed is the installation of an open access Communication hub.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal relates to the refusal of planning permission for the proposed Communication Hub. An appeal in respect of the refusal of advertisement consent for displays on the LCD advert screen for this communication hub was submitted outside the prescribed time period and therefore not processed.
 3. Since the Notice of Refusal was issued the National Planning Policy Framework 2023 ('the Framework') has been amended with consequential alterations to paragraph numbers, referred to in their revised form below.
 4. Paragraph 118 of the National Planning Policy Framework 2023 ('the Framework') states that advanced high quality and reliable communications infrastructure is essential for economic growth and social well-being and that planning policies and decisions should support the expansion of electronic communications networks.
 5. Paragraph 122 says that applications must be determined on planning grounds only and should not seek to prevent competition between different operators or question the need for an electronic communications system. I have had regard to these and other statements of Government policy in the Framework and considered them in conjunction with the policies of the Richmond Upon Thames Local Plan 2018 cited by the Council in its Decision on the application. These are Local Plan Policies LP1, LP3, LP4, LP16 & LP44 and Policy HC1 of the London Plan 2021.
 6. The supportive nature of Government policy on the expansion of electronic communications networks when considered against the more restrictive form of the development plan policies clearly necessitates a balanced decision.
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However, in my view it is the specifics of the site's characteristics and the extent to which the proposed equipment and its displays would be in keeping with its surroundings that are primarily the determinative factors in this appeal.

Main Issues

7. The main issues are the effect of the proposed Street Hub on the character and appearance of the Central Richmond Conservation Area; the effect on the existing public cycle parking and the effect on the long-term survival of an adjacent street tree.

Reasons

Character and Appearance of the Conservation Area

8. I saw on my visit that the site of the proposed communications hub is on a section of pavement outside Nos. 36-50 Hill Street that widens from its narrower sections both to the north and south. Within this wider area are a row of four-cycle hoops and also a semi-mature street tree in the pavement outside No. 36 but close to the projecting southern flank of No. 34. The proposed hub unit would be positioned adjacent to the most northerly hoop.
9. On the first main issue, the Council's objection is that the proposed Street Hub would have an unduly prominent visual impact and cause excessive clutter. It is also considered that it would be harmful to the setting of nearby Buildings of Townscape Merit ('BsTM') and that these combined effects would cause 'less than substantial harm' to the character and appearance of the conservation area.
10. In visiting the site, I saw that although retail ground floor uses are the main components of the street frontage, there was additionally a substantial residential element, with flats evident on the three upper floors of the buildings on the eastern side as far as the Odeon Cinema at the junction with Bridge Street. The shops themselves are restrained in their commercial presence with discreet signage and limited illumination to advertise their presence. I also note from the earlier appeal referred to in the officer's report that the Odeon Cinema is an Art Deco building and that '*the stonework above the shop fronts and around the entrance to the flats matches that of the grand façade of the cinema*'.
11. On the opposite side of the road the shopfronts are recessed within a colonnade formed by the substantial stone columns and this adds further emphasis to the discreet nature and high quality of the townscape resulting from the presence of the numerous BsTM. The impression I formed was that the retail units appear to be of the type that do not depend on a high volume of patrons, with the consequence of quieter streets and a more sedate and prestigious character that complements the traditional design of the buildings.
12. Given this context, I consider that the proposed hub unit would be a jarring feature in the street scene both in terms of its size and design and its advertising displays. In northward views from the Bridge Street junction the hub's siting on a wider pavement area with a backdrop of the colour-washed render of the flank of No. 34 would make the unit particularly noticeable.

13. Overall, I consider that the proposed hub unit in this position would cause harm to the character and appearance of the conservation area and reduce its significance as a designated heritage asset. This impact would be in harmful conflict with the development plan policies cited in paragraph 5 above and would comprise 'less than substantial harm' as referred to in paragraph 205 of the Framework. Paragraph 208 of the Framework says that such harm should be weighed against the public benefits of the proposal.
14. In this regard the grounds of appeal cites such benefits of an open access Communication Hub as including phone calls and access to the internet for way finding, news and other public information useful to residents and visitors. The inclusion of defibrillators is considered an important asset, with evidence of their use by members of the public and emergency services.
15. I accept that such facilities represent a tangible benefit but in this particular case consider that on balance they would not outweigh the harm caused to the character and appearance of the conservation area that I have referred to in paragraphs 9-13 above.

Effect on Existing Public Cycle Parking

16. In order to achieve construction of the hub in its proposed position the appeal scheme seeks to relocate two of the hoops so that they adjoin the flank of No. 34 Hill Street. I consider that the separation of the existing four hoops to the two different positions would add clutter to the street scene. There would additionally be an element of danger and nuisance to pedestrians walking southwards because the hoops would be round a blind corner. This raises the possibility of accidental collision with cycle users arriving or leaving the parking facility.

Effect on a Street Tree

17. The tree is of a form and size to make a positive contribution to the street scene. Whilst the tree would not be endangered by the hub itself because of the distance between the two, I agree with the Council's view that its proximity to the two relocated bike hoops requires the submission of details to ensure that the roots and lower part of the tree trunk would not be harmed.

Conclusions

18. The effect of the development on the street tree and on the cycle parking are in my view legitimate reasons for refusal. However, with more information and amendments to the submitted plans it is possible that the objections to the appeal scheme on these grounds could be removed.
19. Nevertheless, in respect of the effect of the siting of the communications hub in the position proposed, for the reasons explained above relating to the on-balance harm caused to the conservation area I conclude that the appeal should be dismissed.

Martin Andrews

INSPECTOR