



Appeal Decision

Site visit made on 7 May 2024

by C Rafferty LLB (Hons), Solicitor

an Inspector appointed by the Secretary of State

Decision date: 3rd June 2024

Appeal Ref: APP/L5810/W/23/3325309

Pavement Northside, George Street, Richmond TW9 1JY

- 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 (JCDecaux UK Ltd) against the decision of the Council of the London Borough of Richmond upon Thames.
 - The application Ref 23/0486/FUL dated 23 February 2023, was refused by notice dated 25 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. I have taken the description of development from the Council's Decision Notice, as this is a more succinct and accurate description of the proposal.
3. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) on 19 December 2023. Apart from paragraph numbering those parts of the Framework most relevant to this appeal have not been amended. As a result, it has not been necessary to seek comments on the revised Framework. No party's interests have been prejudiced by my taking this approach.
4. 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 screen of this hub was submitted outside the prescribed time period.

Main Issues

5. The main issues are the effect of the proposal on: the character and appearance of the area, having regard to the conservation area and the setting of the nearby listed building; and flood risk.

Reasons

Character and appearance

6. The appeal site is a section of pavement on George Street, close to the junction with King Street and in the Central Richmond Conservation Area (the CA). The immediate section of the CA is largely commercial in nature, with a range of shopfronts at street level. While many of these shopfronts, along with certain upper floors on the street, have a contemporary appearance, the prevalence of more traditional architecture above the commercial units lends this section of the CA a notable, overarching

historic feel. This is emphasised by the presence of numerous Buildings of Townscape Merit (BTMs) and the Grade II Listed Building of the Old Ship.

7. The pavement of George Street in the vicinity of the site is wide, with a range of street furniture. This includes cycle stands, a bin, post box, map display and crossing beacon. On the opposite side, King Street has another crossing beacon, bin, and bollards and railings. The proposal would result in the relocation of cycle stands, such that despite the remaining elements of street furniture, its presence would not result in this wide section of the street reading as unduly cluttered. It would also be of a standard size, similar to other hubs that are often found in retail areas.
8. However, the proposal would remain an imposing addition to the immediate streetscape due to its overtly modern design. I note that the area is one of commercial shopping with a range of street level unit frontages and that the appellant submits that many of the early 18th Century buildings have been replaced, with this area of George Street being a later phase of development. Nevertheless, the external design of many of the upper floors in the area ensure an overarching sense of the historic fabric of the street remains, with elements of illumination remaining discreet. In addition, in the vicinity of the appeal site the proposal would also be experienced alongside numerous BTMs, particularly the evidently traditional buildings and street frontages on King Street. In this context, the contemporary block like structure and LCD screen of the proposed hub would read as out of place and visually jarring within the streetscape, and would have a harmful effect on the significance of the BTMs.
9. In certain views from the east, the hub would be visible against the backdrop of the Grade II Listed Old Ship, a traditional building with saloon style frontage with pillared detailing that contributes positively to the historic nature of the surrounds. The proposal would therefore be within the setting of this listed building. The prominent visual effect of this modern development and its contemporary design would visually compete with this listed building, harming its setting and detracting from its significance. Given the importance of the listed building to the character of the area and this immediate part of the CA, this would result in visual harm.
10. For the reasons given, the proposal would have an adverse effect on the CA, including the setting of the Grade II Listed Old Ship. It would fail to preserve the setting of the listed asset or the character or appearance of the CA. This effect would be localised, and the harm caused as a whole would be less than substantial. Nevertheless, in accordance with paragraph 208 of the Framework, this needs to be weighed against the public benefits of the proposal.
11. The proposal would provide a range of services, including wifi, device charging, messaging facilities, free calls to landlines and charities, rapid connection to emergency services, wayfinding and a 24 hour accessible defibrillator, contributing towards a 'smart city'. It would be powered by renewable energy, and would include features to prevent crime and antisocial behaviour. It would provide a platform for other technologies such as environmental conditions, CCTV and key data, and could support businesses and the vitality of the area. It is cited to be efficient, reliable and free to use, providing communication improvements and greater accessibility and connectivity for members of the public.
12. However, even acknowledging the support in the Framework for high quality communications and Government policy for the expansion of electronic communications networks, these public benefits would be modest. They would fail to

outweigh the less than substantial harm to the heritage assets, which would not have a clear and convincing justification, as required by the Framework.

13. For the reasons given the proposal would have a significant adverse effect on the character and appearance of the area. It would fail to preserve the character or appearance of the CA or the setting of the listed building, and would also harm the significance of the BTMs. As such, it would fail to comply with Policies LP1, LP3 and LP4 of the Local Plan 2018; Policy HC1 of the London Plan 2021; and the provisions of the Framework insofar as they seek to ensure good design that is related to local context and conserves the significance of heritage assets and their settings.

Flood risk

14. The appeal site is located within Flood Risk Zone 1. Policy LP21 of the Local Plan 2018 states that a Flood Risk Assessment will be required for development proposals in Flood Risk Zone 1, where there is evidence of a risk from other sources of flooding, including surface water, ground water, and sewer flooding. No such Flood Risk Assessment was submitted with the application or appeal. However, even acknowledging the Council's reference to the area having an increased potential for elevated ground water and that even minor developments should meet the requirements for site-specific flood risk assessments, there is no substantive evidence before me of a risk of flooding from other sources.
15. The proposal would have a limited footprint within the footpath at the appeal site and would not result in any changes to ground levels. As such, I therefore do not consider that there would be any measurable effect on the risk of flooding.

Other Matters

16. The appellant has provided images of installed communication hubs similar to that proposed. However, no precise information on the nature of the surrounds within which these hubs have been installed has been provided. In any event, each application is decided on its own merits and reference to development elsewhere will carry little weight.

Conclusion

17. For the reasons given above the appeal is dismissed.

C Rafferty

INSPECTOR