

Appeal Decisions

Site visit made on 3 September 2024

by P Terceiro BSc MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2024

Appeal A Ref: APP/U2235/W/24/3340403

Pavement Outside 82 Week Street, Maidstone, Kent ME14 1RJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by In Focus Public Networks against the decision of Maidstone Borough Council.
 - The application Ref is 23/505487/FULL.
 - The development proposed is described as the installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement.
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Appeal B Ref: APP/U2235/H/24/3340402

Pavement Outside 82 Week Street, Maidstone, Kent ME14 1RJ

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by In Focus Public Networks against the decision of Maidstone Borough Council.
 - The application Ref is 23/505488/ADV.
 - The advertisement proposed is described as the installation of a multifunctional communication hub with integral defibrillator and the display of an advertisement.
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Decision

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

Preliminary Matters

3. The appeals relate to the same overall proposal. They differ only in that Appeal A is for planning permission and Appeal B is for express advertisement consent. I have considered each part of the proposal on its individual merits. However, to avoid duplication I have dealt with both appeals together, except where otherwise indicated.
4. In respect of Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 require that decisions are made only in the interests of amenity and public safety, taking account of any

material factors. Therefore, while I have taken account of the policies that the Council considers to be relevant, these have not been decisive in my determination of this appeal.

5. The appeal site is located near two Conservation Areas (CA). It is unclear from the evidence whether the Council is alleging harm to one or both CAs. I note the previous appeal decisions¹ for the installation of electronic apparatus and screen advertisement on the footpath to the front of 84 Week Street. The Inspector considered both CAs as a part of their assessment and, in the interests of consistency, I shall follow the same approach.
6. Since the Council issued its decision on the planning application, a new Maidstone Local Plan (MLP) has been adopted and I have taken it into account in my decision. The Council has clarified that the relevant policies are LPRSP15, LPRENV1, LPRQD2, LPRQD3. Insofar as it is relevant to this appeal, the substance of the LPR policies remains largely unchanged from the Maidstone Borough Council Local Plan 2017. The appellant has had the opportunity to comment on the new policies through the appeal process and I have taken any comments into account in my decision.

Main Issues

7. The main issue with regard to Appeal A is the effect of the proposal on the character and appearance of the area, with reference to the setting of the Chillington House and Maidstone Town Centre Conservation Areas, as well as whether the settings of nearby Grade II listed buildings would be preserved.
8. The main issue with regard to Appeal B is the effect of the advertisement on the visual amenity of the area, with reference to the setting of the Chillington House and Maidstone Town Centre Conservation Areas, as well as whether the settings of nearby Grade II listed buildings would be preserved.

Reasons

Heritage assets, character and appearance

9. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard is had to the desirability of preserving a listed building or its setting. The National Planning Policy Framework (the Framework) requires the particular significance of any heritage asset that may be affected by a proposal, including development affecting its setting, to be taken into account when considering the impact of a proposal.
10. Week Street is pedestrianised and has undergone significant public improvements to declutter the streetscape. Although there is street furniture near the site, such as a pedestrian wayfinding sign, public bench, payphone booth and two trees, these items are placed in a consistent row and are well spaced, with appropriate visual breaks between them. This provides the public realm in this area with an uncluttered and coherent appearance. The area is predominantly commercial in character and contains a mix of modern and traditional buildings. Small-scale advertisements, including fascia signs and freestanding signs are present within the street scene, some of which are illuminated.

¹ Appeal Decisions APP/U2235/W/20/3254404 and APP/U2235/H/20/325319.

11. The edge of the Maidstone Town Centre Conservation Area (MTCCA) is at a short distance to the south of the appeal site. The significance of the MTCCA derives, in part, from the many historic features and forms of the traditional medieval market town it exhibits as well as a high concentration of historic buildings. Week Street, which is partially located within the MTCCA, is characterised by its narrowness and continuously built frontages with the buildings set on the back edge of the pavement. As the appeal site sits in an area that shares some of the characteristics of the MTCCA, it makes a positive contribution to its setting and to how the heritage asset is experienced.
12. The area to the west of the site lies within the Chillington House Conservation Area (CHCA), which is centred on Brenchley Gardens and the Maidstone Museum and derives its significance, in part, from its public spaces. The Grade II listed buildings at 12-16 St Faith's Street lie to the west of the site and their significance derives, in part, from their historic interest and architectural details including timber framed facades, windows and roof form.
13. The views from the CHCA, and from the listed buildings in particular, form part of the settings of these heritage assets and contribute to their significance by relating them to the wider town centre. As such, due to its location, the site makes a positive contribution to the setting of these heritage assets.

Effect of the proposed hub (Appeal A and Appeal B)

14. The hub would occupy a prominent position at the junction between Week Street and St Faith's Street. Given its scale, together with its siting further forward into the walkway, unaligned with the existing furniture and away from the building frontages, the proposal would erode the visual break between the existing items and would add visual clutter. As such, the proposal would appear incongruous in its receiving context. While there may be an expectation of seeing modern street furniture and commercial messaging within this area, the hub would not integrate well with the existing features.
15. The hub would therefore be an assertive and intrusive feature in the streetscene. This would be exacerbated by the advertisement screen. The hub would be very prominent in views along Week Street and St Faith's Street. As such, in respect of Appeal A, the hub would appear conspicuous in views from the MTCCA, CHCA and listed buildings, thereby harming their settings.
16. With regard to Appeal B, the proposed advertisement screen would form a seamless addition to the shape of the hub. However, given its large size, height and changing images, it would nonetheless introduce visual intrusion and further heighten the overall prominence of the hub. As such, it would harm the visual amenity of the area and harm the settings of the nearby designated heritage assets.
17. With regard to the previous proposal on the footpath to the front of 84 Week Street, I note that while the appellant has sought to address previous

concerns by proposing to place the hub in a new location, the proposal before me would in fact be more prominent in the street scene.

Public Benefits and conclusions on the proposed hub (Appeal A)

18. In light of the above, the proposal would lead to less than substantial harm to the setting of the heritage assets. The Framework advises that where proposals would lead to less than substantial harm to a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
19. The communications hub would support the Government's aim of creating a world class digital infrastructure in the UK. It would improve the communication provision across Maidstone, provide greater connectivity and enable the public to access the digital network without charge. It would incorporate a defibrillator and a range of other integrated functions and facilities, such as access to Council services, CCTV and wayfinding. Moreover, it would enhance the shoppers' experience. Taken together, these public benefits attract moderate weight, but would be insufficient to outweigh the great weight I must attach to the harm I have identified to the settings of the designated heritage assets.
20. The proposal would result in a harmful effect on the character and appearance of the area, and it would fail to preserve the setting of the MTCCA, CHCA and of the Grade II listed buildings. The proposal would therefore be contrary to MLP Policies LPRSP15, LPRENV1, LPRQD2 and LPRQD3 which, amongst other things, seek to ensure that development responds positively to the local or historic character of the area, and conserves the significance of heritage assets. Signage proposals are required not to be detrimental to the character and appearance of the area in terms of size, design, positioning and method of illumination. The proposal would fail to accord with the Framework, which seeks to conserve and enhance the historic environment.

Conclusions on the proposed advertisement (Appeal B)

21. The proposed advertisement under Appeal B would have a harmful effect on the visual amenity of the area, and it would fail to preserve the setting of the MTCCA, CHCA and of the Grade II listed buildings. The proposal would not accord with the Framework, which recognises that the quality and character of places can suffer when advertisements are poorly sited and designed. I have taken into account MLP Policies LPRSP15, LPRENV1, LPRQD2, LPRQD3 to the extent that they are material to the advertisement proposal. Given that I have concluded that the proposed advertisement would harm amenity, it would conflict with these policies.

Other Matters

22. The appellant advises that the unit would be properly managed and maintained, so to avoid vandalism and to ensure that it would remain functioning and in good condition. Although I have no reason to doubt this, my decision is based on the planning merits of the appeal proposals.

23. Whilst the proposed hub would not pose an unacceptable risk to safety, this would not overcome the harm to the character and appearance of the area and to the nearby heritage assets as I have identified above.
24. Reference is made to other similar equipment which have been granted planning permission. However, in the case of 96-98 Week Street, the hub is sited in a less exposed position in the street scene, close to existing buildings, and it has an appropriate visual break between itself and other furniture. As such, I do not find that the proposal would be justified by this hub.
25. I do not have the full details of the circumstances that led the applications at Palace Avenue and Lower Stone Street being accepted. Still, in any event, I note that the context and characteristics of these other streets are unlikely to be directly comparable to the appeal site, particularly in light of its historic context. Consequently, I do not find that these cases provide compelling evidence to support this appeal.

Conclusion

26. For the reasons given above, Appeal A and Appeal B should be dismissed.

P Terceiro

INSPECTOR