The Planning Inspectorate

Appeal Decision

Site visits made on 13 February 2019

by Nigel McGurk BSc(Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th May 2019

Appeal A Ref: APP/B4215/W/18/3192603
Public highway, 7 Charlotte Street, Manchester, M1 4DZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Maximus Networks Ltd against the decision of Manchester City Council.
- The application Ref 116267/TEL/2017, dated 18 May 2017, was refused by notice dated 3 July 2017.
- The development proposed is installation of a telephone kiosk.

Appeal B Ref: APP/B4215/W/18/3192607
Public highway, 1 Portland Street, Manchester, M1 3BE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Maximus Networks Ltd against the decision of Manchester City Council.
- The application Ref 116266/TEL/2017, dated 18 May 2017, was refused by notice dated 3 July 2017.
- The development proposed is installation of a telephone kiosk.

Appeal C Ref: APP/B4215/W/18/3192609
Public highway, Station Approach, Manchester Piccadilly Station, Manchester, M1 2GH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Maximus Networks Ltd against the decision of Manchester City Council.
- The application Ref 116268/TEL/2017, dated 18 May 2017, was refused by notice dated 3 July 2017.
- The development proposed is installation of a telephone kiosk.

Appeal D Ref: APP/B4215/W/18/3192610
Public highway, 55 Portland Street, Manchester, M1 3HP

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Maximus Networks Ltd against the decision of Manchester City Council.
- The application Ref 116269/TEL/2017, dated 18 May 2017, was refused by notice dated 3 July 2017.
- The development proposed is installation of a telephone kiosk.

Appeal E Ref: APP/B4215/W/18/3192613
Public highway, London Road adjacent to MacDonald Hotel, Manchester, M1 2PG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Maximus Networks Ltd against the decision of Manchester City Council.
- The application Ref 116270/TEL/2017, dated 18 May 2017, was refused by notice dated 3 July 2017.
- The development proposed is installation of a telephone kiosk.

Appeal F Ref: APP/B4215/W/18/3192615
Public highway, London Road adjacent to 1 Auburn Street, Manchester, M1 3DG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Maximus Networks Ltd against the decision of Manchester City Council.
- The application Ref 116271/TEL/2017, dated 18 May 2017, was refused by notice dated 3 July 2017.
- The development proposed is installation of a telephone kiosk.

Appeal G Ref: APP/B4215/W/18/3192620
Public highway, Parker Street in front of Tesco Express, Manchester, M1 4AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Maximus Networks Ltd against the decision of Manchester City Council.
- The application Ref 116272/TEL/2017, dated 18 May 2017, was refused by notice dated 5 July 2017.
- The development proposed is installation of a telephone kiosk.

Appeal H Ref: APP/B4215/W/18/3192627
Public highway, 107 Piccadilly, Manchester, M1 2DB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Maximus Networks Ltd against the decision of Manchester City Council.
- The application Ref 116273/TEL/2017, dated 18 May 2017, was refused by notice dated 3 July 2017.
- The development proposed is installation of a telephone kiosk.

Appeal I Ref: APP/B4215/W/18/3192628
Public highway, Piccadilly Gardens, opposite 11-13 Piccadilly, Manchester, M1 1LY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Maximus Networks Ltd against the decision of Manchester City Council.
- The application Ref 116274/TEL/2017, dated 18 May 2017, was refused by notice dated 3 July 2017.
- The development proposed is installation of a telephone kiosk.

Appeal J Ref: APP/B4215/W/18/3192604
Public highway, Deansgate, adjacent to Harvey Nicols, Manchester, M1 1AD

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
- The appeal is made by Maximus Networks Ltd against the decision of Manchester City Council.
- The application Ref 116262/TEL/2017, dated 18 May 2017, was refused by notice dated 3 July 2017.
- The development proposed is installation of a telephone kiosk.

Decisions:

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Appeal C

3. The appeal is dismissed.

Appeal D

4. The appeal is dismissed.

Appeal E

5. The appeal is dismissed.

Appeal F

6. The appeal is dismissed.

Appeal G

7. The appeal is dismissed.

Appeal H

8. The appeal is dismissed.

Appeal I

9. The appeal is dismissed.

Appeal J

10. The appeal is dismissed.

Procedural Matters

11. The application forms relating to appeals A-J all state, in the box for the specification of apparatus to be installed or altered, "CALL BOX." In each of the descriptions of development, I have taken the description of development from that provided on the decision notices relating to appeals A-J. I note that the appellant refers to telephone kiosks in each of the relevant statements of case provided. Taking all of this into account, I refer to telephone kiosks in the consideration of each appeal below.

12. As an electronic communications code operator, the appellant benefits from deemed planning permission for a proposed telephone kiosk (also known as a public call box or telephone box) under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), subject to prior approval by the local planning authority of siting and appearance. The appellant applied to the Council on that basis. The Council determined that prior approval was required and refused for the siting and appearance of the telephone kiosk, the subject of each of the Appeals A – J.

13. The provisions of the GPDO require the local planning authority to assess the proposed development solely upon the basis of its siting and appearance, taking into account any representations received.

14. The National Planning Policy Framework 2018 (the Framework) deals with supporting high quality communications infrastructure, including applications for prior approval, and requires that local planning authorities must determine applications on planning grounds. As the principle of development is established, considerations such as need for the payphone kiosk are not a relevant matter.

15. Appeals A, B, D, E and F relate to sites that are located within the setting of Conservation Areas and/or Listed Buildings. Further, Appeals H and I relate to sites that are within Conservation Areas and within the setting of Listed Buildings. According to statute, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of these areas. National planning policy, as set out in the Framework, states that when considering the impact of a proposal on the significance of designated heritage assets, great weight should be given to the asset's conservation and

that significance can be harmed or lost through development within their setting.

16. The Council has made reference in its decision notices to Policies DM1, EN1, EN3, CC4, CC9, CC10, T1 and SP1 of the Core Strategy[1] (1998) and to Policies DC17, DC18, DC19 and E3 of the Manchester Unitary Development Plan, as well as to its Design SPD[2]. However, the principle of development is established by the GPDO and prior approval relating to paragraph A.3 of Schedule 2, Part 16, Class A of the GPDO includes no requirement that regard be had to the development plan.

17. The provisions of the GPDO require the local planning authority to assess the proposed development solely upon the basis of its siting and appearance, taking into account any representations received. Nonetheless, I take account of the above-mentioned policies in so far as they are relevant to matters of siting and appearance.

18. The determination of each of these appeals was delayed following a High Court judgement – the decision of Ouseley J in Westminster CC v. SSHCLG & New World Payphones Ltd (2019) EWHC 176 (Admin) (the "New World case"). The decision in this case concluded that the relevant telephone kiosk was for the dual purpose of advertisement display and telecommunications use (and contained features which were for advertising and "not there at all for the telecommunications function.")

19. In respect of the cases before me, I find that the available evidence, including drawings and technical details, does not clearly show that the proposed kiosks are intended to support advertising (bearing in mind that deemed consent allows a non-illuminated advertisement on the "glazed surface" of one face of the kiosk). Given this, it appears to me that these appeals should not be considered to constitute a dual purpose and therefore the prior approval considerations of siting and appearance must be considered.

Main Issues

20. In its reasons for refusal, the Council considers that each of the proposals subject to each Appeal would be harmful to visual amenity and to pedestrian and/or highway safety. As noted above, each of the proposals subject to Appeals A, B, D, E, F, H and I relate to sites within the settings of Conservation Areas, or within Conservation Areas, and within the settings of Listed Buildings.

21. Taking this and the above into account, I consider that the main issues for each of Appeals C, G and J are whether or not approval should be given in respect of the siting and appearance of the proposed development, with particular regard to its effect on the character and appearance of the area, and its effect upon highway and/or pedestrian safety.

22. I consider that the main issues for each of Appeals A, B, D, E and F are whether or not approval should be given in respect of the siting and appearance of the proposed development, with particular regard to whether it

[1] Ref: City of Manchester Core Strategy Development Plan Document (2012).
[2] Ref: Supplementary Planning Document, "Guide to Development in Manchester" (2007).

would preserve or enhance the character and appearance of the setting of heritage assets, and its effect upon highway and/or pedestrian safety.

23. I consider that the main issues for each of the Appeals H and I are whether or not approval should be given in respect of the siting and appearance of the proposed development, with particular regard to its effect on the character and appearance of the Conservation Area within which it is located, as well as on the character and appearance of the setting of a Listed Building, and its effect upon highway and pedestrian safety.

24. Whilst I note that, in its reasons for refusal, the Council stated that each of the proposed telephone kiosks would increase crime and disorder in the area, there is no substantive evidence before me to demonstrate that this would be the case and would comprise a relevant planning matter in respect of the siting and appearance of a telephone kiosk.

Reasons

Background

25. The appeals relate to proposals for the siting of ten telephone kiosks in and around Manchester city centre. The design of each of the kiosks proposed is the same, comprising a steel-framed open kiosk, constructed with steel casings, clear polycarbonate and toughened glass and with a roof mounted solar panel.

26. The roof of each kiosk would cover an area of approximately 1.125m by 1.325m. Each kiosk would have side panels with a width of approximately 0.55m and would reach a height of approximately 2.6m.

27. In respect of Schedule 2, Part 16, Class A of the GPDO, and noting my comments above, I am satisfied that the kiosk and its constituent parts fall under paragraph A.5 and are reasonably required for the purposes of electronic telecommunications apparatus. The proposed freestanding payphone kiosks therefore fall within the permitted development right under Part 16, Class A. However, prior approval, under paragraph A.3 is required in terms of siting and appearance for each of the kiosks by paragraph A.2(3) of Part 16.

Appeal A

28. The appeal site is located on an area of pavement along Charlotte Street close to its junction with Faulkner Street, in a commercial area of Manchester city centre largely characterised by the presence of tall modern and historic office buildings.

29. The site is on the opposite side of Charlotte Street to, and within the setting of, Austin House, a Grade II Listed sandstone ashlar and light red brick, palazzo style, five storey commercial building. It is also located immediately across the road from the George Street Conservation Area, characterised by the presence of mixed use landmark commercial and public buildings.

30. During my site visit, I observed the site to be located along a wide area of clutter-free paving, which, as well as allowing room for pedestrians to pass one another, also provides for a distinct sense of spaciousness. I noted during my site visit that the spacious qualities of the street serve to prevent the tall

buildings on either side of the road oppress or crowd the pavement, or appear overbearing at street level, an important feature given the relative narrowness of the pavement's width on the opposite side of Charlotte Street.

31. The proposed kiosk would be located within this uncluttered expanse of pavement. As a result, I find that it would draw attention to itself as an incongruous structure, at odds with the open, clear area of paving in this location. It would introduce a feature that would detract from the contribution the paving in this location makes to the area's spaciousness.

32. Consequently, I find that the proposal would harm the character and appearance of the area and would fail to conserve the character and appearance of the setting of heritage assets. The harm arising would be localised and in respect of the significance of the heritage assets as a whole, would be less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to a telephone kiosk for people with limited mobility, including wheelchair users. However, in this case, these do not amount to something that outweighs the harm to heritage assets identified.

33. Taking the above into account, the dismissal of Appeal A is justified.

Appeal B

34. Appeal B relates to a site on a prominent corner of Portland Street's junction with Piccadilly within a very busy mixed use area in Manchester city centre.

35. The appeal site is in an area characterised by the presence of large landmark buildings, with shops, cafes and take-aways, amongst other uses, at ground floor level and with offices above. A distinct sense of spaciousness is provided by the presence of wide pavements as well as by the open, canopied ground floor space at No 1 Portland Street, a commercial building close to the appeal site.

36. The site is located adjacent to and in the setting of, the Stevenson Square Conservation Area, which is characterised in this area by the presence of grand commercial buildings. Whilst it is also located close to the Portland Thistle Hotel, a Grade II Listed sandstone ashlar, palazzo style building, its location only allows for the site to appear in the same context as the Listed Building in the most oblique of views. Consequently, I find that the proposal would have little if any discernible impact on the setting of the Portland Thistle Hotel and there is nothing of any substance before me to the contrary.

37. The appeal site is located on a wide stretch of pavement, next to railings which separate it from the road and is close to a pedestrian crossing. During my site visit, I observed the presence, along the pavement close to the site, of a waste bin, various telecoms boxes, a lamp post, a street sign, a traffic light and a telephone kiosk. Whilst, together with the adjacent railing, these features detract a little from the otherwise wide pavement, the presence of gaps in between them help to retain the sense of spaciousness identified above.

38. The proposed kiosk would largely fill one of these gaps and as a consequence, I find that it would combine with existing features to form an almost continuous

row of street furniture. I find that this would result in a prominently located area of paving appearing overdeveloped and unduly cluttered.

39. The harm arising from the above would be exacerbated as a result of the introduction of a substantial structure where none currently exists, thus reducing the area's sense of spaciousness.

40. Taking the above into account, I find that the proposal would harm the character and appearance of the area and would fail to conserve the character and appearance of the setting of the Stevenson Square Conservation Area. The harm arising would be localised and in respect of the significance of the heritage assets as a whole, would be less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to a telephone kiosk for people with limited mobility, including wheelchair users. However, in this case, these do not amount to something that would outweigh the harm to heritage assets identified.

41. I find that the dismissal of Appeal B is therefore justified.

Appeal C

42. The appeal site is located along Station Approach, the main pedestrian access in and out of Piccadilly Station in central Manchester.

43. During my site visit, I noted t the pedestrianised access to be characterised by a wide, clutter free appearance, with only the occasional lamppost, signs atop slim poles and occasional railings to the adjacent busway, appearing as permanent fixtures. In addition, close to the site, the width of the pavement is effectively narrowed by the presence of a coffee shop, with related features present on the pavement outside the shop.

44. During the time of my site visit, the access was extremely busy with, at times, the full width of the pavement being required to allow for the flow of pedestrians.

45. The proposed kiosk would introduce a substantial built structure to an area of pavement and in so doing, it would introduce an obstruction to pedestrian flows where no such obstruction currently exists. I find that this could result in people choosing to step out into the adjacent busway in order to avoid crowds of people, not least at times when people may be rushing to or from trains. As a consequence, I consider that the proposal would present a danger to pedestrian safety.

46. Further to the above, the proposed kiosk would fail to appear in keeping with a long, wide, open area of paving largely devoid of permanent features other than the occasional tall pole or post with signs or lights above. As such, the proposal would appear incongruous within its surroundings.

47. Taking everything into account, I find that the telephone kiosk, as proposed in Appeal C, would harm the character and appearance of the area; and would harm public safety. The dismissal of Appeal C is justified.

Appeal D

48. The site relating to Appeal D is located on the pavement adjacent to No 55 Portland Street, a tall, modern office block. Portland Street in this location is a busy pedestrian and vehicle thoroughfare.

49. The George Street Conservation Area is located immediately across the road from the appeal site, within which Nos 74-78 and No 80 Portland Street comprise Grade II Listed Buildings. Originally a row of town houses and now a pub and shops, the Listed Buildings provide a rare example of small industrial dwellings in a city centre, where, despite Manchester's industrial heritage, very few such buildings survive. Whilst the presence of advertisements and poor quality modern shop fronts detract from the appearance of these Grade II Listed Buildings, their underlying original form contributes to the historic interest of the area.

50. The George Street Conservation Area is characterised by the presence of a wide range of historic buildings denoting the city's industrial and commercial heritage, including commercial, residential and public buildings, ranging from the grand to the modest.

51. During my site visit, I observed the appeal site to be located next to one of two significant street trees located in front of No 55 Portland Street. These trees draw the eye and provide for a distinctive sense of greenery in an otherwise highly urbanised and built-up part of the city centre. The presence of the trees also serves to soften the setting of the George Street Conservation Area and contrasts attractively with the red brick and sandstone structures opposite.

52. I also noted during my site visit that, whilst on one side of the street trees, towards Portland Street's junction with Sackville Street, there are four telephone kiosks, a telecoms box, a CCTV camera, street signs, bollards and a pedestrian crossing, to the other side of the street trees, including the appeal site, the pavement appears open, spacious and largely clutter free. I also observed a row of bike racks between the two trees. As such, the area of pavement beyond the trees, including the appeal site, appears spacious and provides for a sense relief from the more built-up and cluttered appearance of the pavement further towards Sackville Street.

53. I find that the proposed kiosk would introduce a structure that would detract significantly from this sense of spaciousness. Further, the proposal's glass and steel form would draw attention to the kiosk as a structure that would appear out of character with the adjacent tree, thus leading it to appear prominently in its setting and further detracting from the contribution this area of pavement makes to the spaciousness of the area.

54. Rather than contribute to a sense of relief, the proposed kiosk would add to the line of features extending along the pavement from Sackville Street to the street trees and this and its different appearance to the four existing telephone kiosks located close to Sackville Street would result in the whole of the area in front of No 55 appearing unduly cluttered. This would be to the detriment of the character and appearance of the setting of the Listed Buildings opposite, as well as to that of the George Street Conservation Area.

55. The harm arising would be localised and in respect of the significance of the heritage assets as a whole, would be less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to a telephone kiosk for people with limited mobility, including wheelchair users. However, in this case, these do not amount to something that outweighs the harm to heritage assets identified.

56. Whilst the width of the pavement and the location of the appeal site adjacent to No 55 and away from the main thoroughfare would mean that the proposal would not result in any harm to public safety, given all of the above I find that, in relation to Appeal D, the proposed telephone kiosk would harm the character and appearance of the setting of heritage assets and that this justifies the refusal of prior approval.

Appeal E

57. The site relating to Appeal E is located on the pavement alongside London Road, between the modern MacDonald Hotel and the Grade II Listed Manchester South Junction and Altrincham Railway Viaduct, an early, mid-19th Century railway viaduct largely built from red brick and sandstone.

58. From the appeal site, there are views under the Grade II Listed Viaduct into the Whitworth Street Conservation Area, characterised in this area by the presence of landmark historic commercial buildings.

59. During my site visit, I observed that the appeal site forms part of a significant entrance into the city centre, as it leads towards the road under the Grade II Listed Viaduct adjacent, which itself, takes on the character of a "gateway." The appeal site is located within an area of pavement adjacent to a substantial area of green open space, open space which is, to some considerable extent, mirrored on the opposite side of London Road.

60. The area of pavement including and around the appeal site forms part of a long stretch of open pavement devoid of any structures other than a narrow street sign. The pavement's clutter-free appearance combines with the presence of the open space to afford a distinctly green, open and spacious quality to the area and this makes a significant contribution to the setting of the Grade II Listed Viaduct and the Conservation Area beyond.

61. The proposed telephone kiosk would introduce a structure that would appear as a wide, bulky and alien feature within an otherwise largely empty area of pavement. It would be several times wider than the nearby street sign. As such, I find that the proposal would appear unduly prominent and incongruous, and would detract severely from the area's identified green, open and spacious qualities.

62. This would be to the detriment of the character and appearance of the setting of the Grade II Listed Viaduct, as well as to that of the Whitworth Street Conservation Area.

63. The harm arising would be localised and in respect of the significance of the heritage assets as a whole, would be less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to a telephone kiosk

for people with limited mobility, including wheelchair users. However, in this case, these benefits do not amount to something that outweighs the harm to heritage assets identified.

64. Whilst the width of the pavement in this area would mean that the proposal would not result in any harm to public safety, given all of the above, I find that, in relation to Appeal E, the proposed telephone kiosk would harm the character and appearance of the setting of heritage assets and that this justifies the refusal of prior approval.

Appeal F

65. Appeal site F is located on the pavement alongside London Road, close to its junction with Auburn Street, near Piccadilly Station Approach in central Manchester.

66. Whilst the Council suggests that the appeal site is located within the setting of the Stevenson Square Conservation Area, there is such a considerable distance between the site and the Conservation Area that I find the appeal site to have little if any bearing on its setting. There is no substantive evidence before me to the contrary.

67. During my site visit, I observed the appeal site to be located on an expanse of pavement adjacent to a modern hotel building. The clean, modern appearance of both the hotel and the pavement in this location is striking. There is little in the way of street furniture, just a wide expanse of paving with railings at the pavement edge along the lead up to a pedestrian crossing.

68. This provides for a notably open and spacious environment and is further reflected on the opposite side of London Road, which appears similarly "clutter-free."

69. The introduction of a telephone kiosk in this location would appear at odds with local character. It would draw attention to itself as an alien feature within an otherwise largely open and spacious area of pavement where no such structure exists. As such, I find that the kiosk would appear incongruous and detract from the area's open and spacious qualities.

70. The pavement in this location is wide and there is no substantive evidence before me to demonstrate that the proposal would result in harm to public safety. However, the kiosk would harm the character and appearance of the area and this justifies the dismissal of Appeal F.

Appeal G

71. Appeal G relates to a site on the pavement alongside Parker Street, which forms part of the bus station adjacent to Piccadilly Gardens. The site is located at the edge of the pavement, next to the road and outside a small supermarket which forms one of a row of shops along the ground floor of a tall commercial building. The Council states that the appeal site is located in the setting of the Upper King Street Conservation Area, but this is not the case.

72. Given that the site is adjacent to the bus station and shops in the heart of the city centre, it is in an extremely busy location. At the time of my site visit, the

pavement in this area was crowded with pedestrians and the adjacent road was very busy, with a seemingly constant stream of buses coming and going.

73. During my site visit, I observed that, apart from the occasional waste bin, the pavement in this area is largely clear of obstacles. This allows for the free flow of pedestrians, as well as for a clear view of the busy bus lanes adjacent. It also contributes to Parker Street's open and spacious character in this location.

74. The proposed kiosk would introduce a relatively tall and wide obstacle to a very busy pavement. This would serve to disrupt pedestrian flow and would, I find, result in the risk of people stepping out into a very busy bus lane in order to negotiate their way along the street. Further to this, the kiosk, despite its open structure and lightweight materials, would hinder overall visibility for both pedestrians and drivers, adding a further level of harm to public safety.

75. In addition to the above, the kiosk would introduce a telephone kiosk to stretch of pavement where no such structure exists. As such, it would draw attention to itself as an incongruous feature, out of keeping with its surroundings and detracting from the area's open and spacious qualities.

76. Taking the above into account, the proposal would harm the character and appearance of the area and would harm public safety.

77. The above factors justify the dismissal of Appeal G.

Appeal H

78. The appeal site relating to Appeal H is located on an area of pavement along Piccadilly, close to its junction with Lena Street. The site is located within the Stevenson Square Conservation Area, which in this location is characterised by the presence of landmark historical buildings, and is located immediately in front of No 107 Piccadilly, a highly elaborate Grade II Listed sandstone and red brick five storey cotton manufacturer's showroom and warehouse.

79. During my site visit, I observed this part of Piccadilly to be distinguished not only by the presence of the historical grandeur of No 107 Piccadilly, but also by that of a line of street trees and an attractive, carefully designed bus shelter with a green roof.

80. Together, the trees and the bus shelter provide for a simple, yet rather delightful oasis of greenery within this busy city centre location. The additional presence of seating areas, comprising public benches and seats associated with a nearby pub, afford the immediate area a sense of a pocket park and provide relief from the bustling character of the area.

81. I also noted during my site visit that street furniture in the area appears modest and includes small bike stands, benches and waste bins. Taking this and the above into account, the pavement including and around the appeal site is attractive, with a well-planned appearance.

82. The proposed telephone kiosk would be located between the "green" bus shelter and a street tree. As such, I find that it would jar significantly with its surroundings. Rather than appear sympathetic to and fit in with, the immediate greenery and softening of the urban landscape, the kiosk would appear as a

stark, modern, glass and steel structure, with nothing in the way of a natural feature to help it blend into the surrounding area.

83. The harm arising from the above would be exacerbated as a result of the overall size of the kiosk, which would combine with its incongruous appearance to lead it to appear as unplanned clutter, out of keeping with the identified character of the area.

84. The proposed kiosk would harm the character and appearance of the setting of No 107 Piccadilly, as well as that of the Stevenson Square Conservation Area. The harm arising would be localised and in respect of the significance of the heritage assets as a whole, would be less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to a telephone kiosk for people with limited mobility, including wheelchair users. However, in this case, these do not amount to something that outweighs the harm to heritage assets identified.

85. The above factors justify the dismissal of Appeal H.

Appeal I

86. The appeal site relating to Appeal I is located within a large pedestrianised area along Piccadilly, between 11-13 Piccadilly, which comprise a restaurant and a shop with offices above, in a very busy city centre retail and mixed use area. The site is located within the Smithfield Conservation Area, which in this location is characterised by the presence of landmark historical buildings facing out over the open and spacious expanse of Piccadilly Gardens.

87. The appeal site is also located close to the front of and within the setting of, Nos 15 and 17 Piccadilly, comprising Grade II Listed, five storey, sandstone ashlar offices, built in an eclectic style with some Gothic features.

88. During my site visit, I noted this part of Piccadilly to be distinguished by the wide expanse of large pedestrianised areas and greenery associated with Piccadilly Gardens. This combines with the area's role as a public transport hub, with tram lines in the immediate vicinity and bus ways close by.

89. During my site visit, I observed there to be, close to the appeal site, tram lines, including tracks and metal poles for overhead power cables, as well as various street furniture, including bollards, advertisements, bike racks, waste bins and benches. Together, these features appear relatively uniform and do not detract significantly from the open and spacious qualities of the area.

90. Close to the site, there are also two groups of telephone kiosks (a row of three kiosks and a pair of two kiosks which appear very similar to one another.) The two groups of kiosks are separated by two street trees and a bench. The kiosks appear more intrusive than the street furniture described, due in part to their width and height, as well as to the relatively large number of them. As such, they add an element of clutter to the pedestrianised area, albeit the harm arising from this is minimised as a result of the uniform design of the kiosks.

91. The proposed kiosk would be located close to the existing pair of kiosks. Its modern glass and steel design would appear very different to and at odds with the uniform appearance of the existing kiosks. As such, I find that the proposal

would jar with its surroundings. This would result in it drawing attention to itself as an incongruous feature. Also, as a feature at odds with the adjacent kiosks, the proposed kiosk would combine with them to create an unduly cluttered appearance.

92. Further, the addition of the proposed kiosk to an open area of pavement would detract from the open and spacious qualities identified, with the "cluttered" effect described above adding to the harm arising from this.

93. Thus, whilst there would be no harm to public safety, due to the wide expanse of the pedestrianised area, the proposed kiosk would harm the character and appearance of the setting of Nos 15 and 17 Piccadilly, as well as that of the Smithfield Conservation Area. The harm arising would be localised and in respect of the significance of the heritage assets as a whole, would be less than substantial. Public benefits may arise from the proposal in terms of providing accessibility to a telephone kiosk for people with limited mobility, including wheelchair users. However, in this case, these do not amount to something that outweighs the harm to heritage assets identified.

94. The above factors justify the dismissal of Appeal I.

Appeal J

95. Appeal J relates to a site on the pavement alongside Deansgate, close to the vehicular access to a department store's car park, in a mixed use, largely commercial area of the city centre. The site is located on a reasonably wide expanse of pavement.

96. During my site visit, I observed the area of pavement to appear open and spacious. Apart from a very small highway sign and a modern streetlight, the area of pavement including the appeal site is devoid of structures and as such, it makes a significant positive contribution to openness and spaciousness.

97. The kiosk would introduce a feature along an area of pavement where no such structure exists. As such, I find that it would draw attention to itself as an incongruous feature, out of keeping with its surroundings. It would detract from the area's open and spacious qualities.

98. In addition to the above, I find that the proposed kiosk would introduce an obstacle in a part of the pavement that currently provides for clear views along Deansgate from the adjacent car park access road. This could serve to obscure pedestrians in an area where cars are entering and leaving a car park onto a potentially busy highway running through the city centre. In this way, the proposed kiosk, despite its open structure and lightweight materials, would hinder overall visibility for both pedestrians and drivers and I consider that this would present a risk of harm to public safety.

99. Taking the above into account, the proposal would harm the character and appearance of the area, and would harm public safety. These factors justify the dismissal of Appeal J.

Conclusion

100. I conclude that, for the reasons given above and having regard to all matters raised, Appeals A, B, C, D, E, F, G, H, I and J should fail.

N McGurk

INSPECTOR