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**APPEAL SITE**

On pavement in front of 229 - 232 High  
Holborn, London, WC1V 7EG

**APPELLANT**

Mr Michael Graney

Appeal Statement in support of the refusal of LB  
Camden planning application 2021/0977/P for  
'Installation of a coffee kiosk'

## 1. INTRODUCTION

This Appeal Statement contains the Council's case in respect of planning application 2021/0977/P for 'Installation of a coffee kiosk' on the pavement in front of 229 - 232 High Holborn London WC1V 7EG.

The application was refused on 19/10/2021 for the following reasons:

1. *The siting and scale of the proposed kiosk, on the footway at this location, would impair the safety of users of the highway, particularly pedestrians. The proposal would therefore be contrary to the Council's policies for promoting walking and highway safety. It would be contrary to policy T1 and TC4 of the LB Camden Local Plan, the London Plan 2021 and the NPPF 2021*
2. *Due to its prominent siting, design and appearance, the proposed kiosk would harm the character and appearance of the Bloomsbury Conservation Area. It is therefore contrary to policy D2 (Heritage) of the LB Camden Local Plan 2017, the London Plan 2021 and the NPPF 2021*

The Officer Report setting out the site description, planning history, relevant planning policies, proposal and assessment was sent with the Questionnaire. There were no responses from any external parties following statutory consultation. Internal (LB Camden) consultation responses from the Council's Transport, Streets and Conservation Officers are incorporated into the Council's Statement of Case below.

## 2. STATEMENT OF CASE

The relevant considerations in this case are the effects on the safety and accessibility of the public highway and the implications for walking and the effects on the character and appearance of the Conservation Area.

Effects on the safety and accessibility of the public highway and the implications for walking

The proposed kiosk, which would measure 2m in width and 4m in length, would be sited 4.118m from the building line on High Holborn, in front of Kingsbourne House, 229 - 232 High Holborn:



*Proposal would be sited on the pavement to the right of the lamp post*

With the proposed kiosk in place, the remaining footway would measure less than 4m wide on its eastern side and just over 4m wide on its western side, reduced further when the area of pavement lights is discounted. This is significantly below the minimum recommended width of 5.3m for high flow footways as set out in the Appendix B of Transport for London's Pedestrian Comfort Guidance document. The proposed coffee kiosk and its use, with people queuing, would obstruct pedestrian movement in this exceptionally busy location. It would create an uncomfortable pinch point and blockage to pedestrian movement. Transport for London's Pedestrian Comfort Guidance is attached to this statement and the recommended widths are on page 25.

This guidance is specifically referred to by the Inspector in relation to a recent Appeal (ref. 2018/0319/P), which was dismissed, for a much smaller telephone kiosk in this same location. A copy of the Inspector's report of the appeal is attached.

There has been a fruit and vegetable stall at the site. It is of trestle tables and it does not have planning permission.

The application form indicates that the kiosk would be capable of being wheeled away but this is not shown on any of the submitted drawings. The Council is not aware of any kiosks which are wheeled away at night and then returned in the morning and believe that such an arrangement would not be practical and would be unenforceable on a daily basis. The application form and the drawings clearly indicate that the kiosk would be semi-permanent in that it would remain in-situ until it was eventually dismantled and removed.

Policy T1 of the Camden Local Plan states that the Council will promote sustainable transport choices by prioritising walking, cycling and public transport use and that development should ensure that sustainable transport will be the primary means of travel to and from the site. Policy T1 subsections a) and b) state that in order to promote walking in the borough and improve the pedestrian environment, the Council will seek to ensure that developments improve the pedestrian environment by supporting high quality improvement works, and make improvements to the pedestrian environment including the provision of high quality safe road crossings where needed, seating, signage and landscaping.

Paragraph 9.7 of CPG Transport seeks improvements to streets and spaces to ensure good quality access and circulation arrangements for all. The Council seeks to provide a high quality environment in terms of appearance, design and construction, paying attention to Conservation Areas and the avoidance of street clutter and minimising the risk of pedestrian routes being obstructed or narrowed.

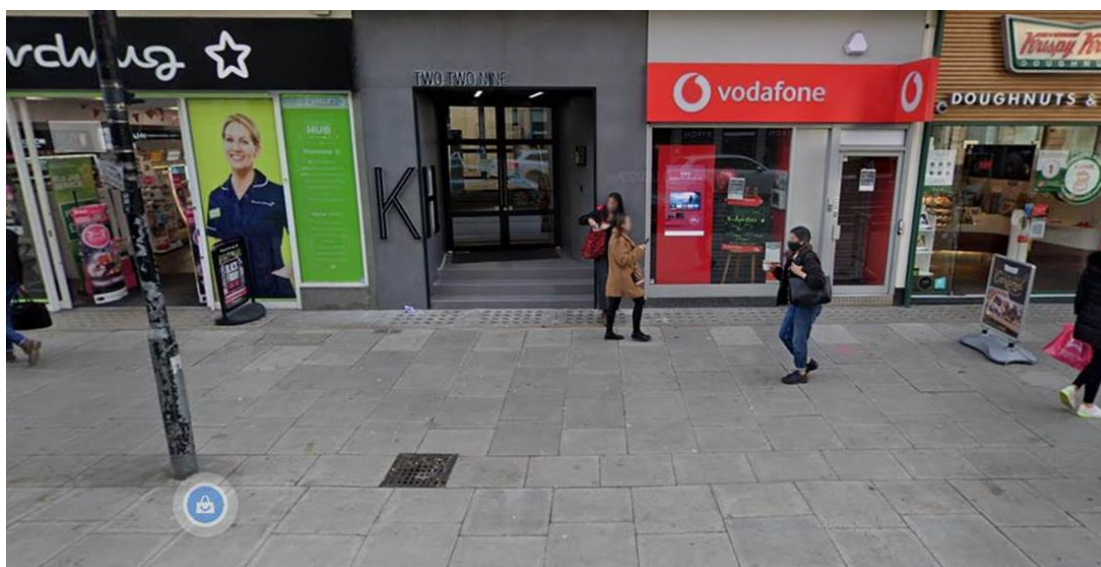
Policy C5 (Safety and security) of the Camden Local Plan requires development to contribute to community safety and security, and paragraph 4.89 of policy C5 states that the design of streets needs to be accessible, safe and uncluttered, with careful consideration given to the design and location of any street furniture or equipment

The Council's Transport Planning Team recommended that the application be refused planning permission for the following reason:

'The proposed coffee kiosk, by virtue of its location, size and detailed design,

and adding unnecessary street clutter, would reduce the amount of useable, unobstructed footway, which would be detrimental to the quality of the public realm, cause harm to highway safety and hinder pedestrian movement and have a detrimental impact on the promotion of walking as an alternative to motorised transport.'

The Council's Streets Team has advised that they would not permit a permanent structure on the highway at this location. All kiosks are required to be removed should the need arise for works on the highway. There is a gully grate at this location. This requires access to clean by a machine that would pull up adjacent to it. A permanent structure will prohibit this or at the very least severely impede it.



The Streets Team has reiterated the Transport Team's objections that the site is next to the tube entrance with one of the highest footfalls in the Borough and that the development would significantly harm the accessibility, safety and permeability of the public realm.

### Effects on the appearance of the Bloomsbury Conservation Area

Policy D2 of the Camden Local Plan 2017 states that the Council will preserve, and where appropriate, enhance Camden's rich and diverse heritage assets and their settings, including conservation areas and listed buildings.

The site is not described in the Bloomsbury Conservation Area Appraisal. This notes that : 'In High Holborn there is a greater variety of materials; the earlier buildings are characterised by red brick and stone, together with yellow stock brick and stucco, whereas the 1960s insertion tend to be clad in concrete panels'.

The Appraisal outlines that 'building frontages, roads, pavements and the squares are all important elements of the public realm and the cumulative impact of small scale additions can have an overall detrimental impact on the character of the area'. Such harmful additions includes the clutter of street furniture. The Appraisal outlines that the Council will seek to encourage improvements to the public realm including the reduction of street clutter.

Due to its prominent position, in the midst of the busy thoroughfare, which is flanked by significant historic buildings, the kiosk would be harmful to the historic and distinctive character of the public realm and it would detract from the heritage and townscape value of High Holborn in the Conservation Area.



The fruit and veg stall which has operated at the site could be removed and re-erected day to day, and is not read as part of the street furniture. The proposal is a more permanent structure with a corporate appearance. The materials are not specified. However, due to its solid treatment and the fact that it would be semi-permanent it would fail to reflect the character and appearance of the Conservation Area and it would not preserve or enhance the appearance of the streetscene.

Para 196 of the NPPF (2018) states that 'where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use'. The proposal would result in 'less than substantial harm' to the character and appearance of this part of the conservation area. The addition of a coffee kiosk, in a location surrounded by retail uses is not considered to contribute sufficient public benefit to outweigh the harm to the conservation area.

Special attention has been paid to the desirability of preserving or enhancing the character or appearance of the conservation area, under **s.72** of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended by the Enterprise and Regulatory Reform Act 2013.

### Conclusion

The Council has demonstrated, in the Officer report and in this Statement of Case, that the proposal would be prejudicial to the safety and free-flow of users of the highway. It would therefore be contrary to the Council's policies for transport infrastructure and promoting walking. It would also cause irreparable harm to the character and appearance of the Conservation Area and would therefore be contrary to the policies for the heritage of the built environment.

The Inspector is therefore politely requested to dismiss the appeal.

Should the Inspector be minded to allow this appeal then the Council requests the imposition of the following conditions:

1. The development hereby permitted must be begun not later than the end of three years from the date of this permission.  
Reason: In order to comply with the provisions of Section 91 of the Town and Country Planning Act 1990 (as amended).
2. The development hereby permitted shall be carried out in accordance with the following approved drawings : Site Plan Ref: HSRG1, HSRG1 Kiosk Location Map, Kiosk Drawings Ref: HSRG1  
Reason: For the avoidance of doubt and in the interest of proper planning.
3. Before the kiosk is installed, samples of the facing materials shall be submitted to and approved by the Local Planning Authority. The facing materials approved under this application shall be provided, and permanently retained.  
Reason: To safeguard the appearance of the premises and the character of the immediate area in accordance with the requirements of policy D1 and D2 of the LB Camden Local Plan 2017.

