



Appeal Decision

Site visit made on 21 January 2022

by **James Blackwell LLB (Hons) PgDip**

an Inspector appointed by the Secretary of State

Decision date: 31 January 2022

Appeal Ref: APP/X5210/W/21/3286012

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

- 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 Michael Graney against the decision of London Borough of Camden.
 - The application Ref 2021/0977/P, dated 3 March 2021, was refused by notice dated 19 October 2021.
 - The development proposed is the installation of a free-standing semi-permanent coffee kiosk.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address used on the application form is 232 High Holborn. This is misleading, as the location of the proposed development is in front of this building, as opposed to the building itself. I have therefore taken the address from the Council's decision notice, as this more accurately describes the location of the proposed development.

Main Issues

3. The main issues are:
 - the effect of the proposed development on highway safety with specific regard to the movement of pedestrians; and
 - whether the proposed development would preserve or enhance the character or appearance of the Bloomsbury Conservation Area (CA).

Reasons

Pedestrian Safety

4. The appeal site is located along High Holborn, close to its junction with Southampton Row and Kingsway. It sits just outside of an entrance/exit to Holborn Tube Station, and comprises an area of pavement adjacent to the carriageway of High Holborn. The Council's evidence suggests that footfall in this area is one of the highest in the borough.
5. The pavement's maximum width in the location of the appeal site is approximately 6.1 metres. With the proposed kiosk, this would leave a footpath with a width of just over 4 metres. Whilst this would exceed the minimum

width requirements as set out in Transport for London Pedestrian Comfort Guidance for London, in practice, use of the kiosk would likely encroach much further on to the pavement. Customers would invariably wait in front of the kiosk to be served, and during peak times, there would be a legitimate risk of queues, which would naturally encroach further onto the footway. This would create the potential for an uncomfortable pinch point, which could significantly impede the free flow of pedestrian movement. Given the proximity of the appeal site to Holborn Tube Station and the exceptionally high level of footfall in this area, any obstruction to ease of movement in this area would be experienced acutely by pedestrians, which would to the detriment of their safety. This is because they would run the risk of stepping out onto the road to avoid any pedestrian build-up on the pavement, which in turn could leave to a dangerous conflict between pedestrians and road traffic.

6. The appeal scheme would therefore conflict with Policies T1 and TC4 of the Camden Local Plan 2017. Together, these policies promote sustainable transport, including walking, by ensuring new development helps improve the pedestrian environment. Specifically, this should be achieved through high quality footpaths which are easy and safe to walk through, and which are wide enough to accommodate the expected volume of pedestrian traffic. The development would also conflict with the objectives of the London Plan 2021 and the National Planning Policy Framework (2021) (Framework), both of which place great emphasis on pedestrian safety.

Effect on Conservation Area

7. This particular area of the CA is distinctly commercial in nature, with both sides of the street being dominated by tall office buildings of varying sizes, which generally accommodate retail or other commercial uses at ground floor level. Whilst street furniture is prevalent in the immediate vicinity of the appeal site, this is generally small-scale, limited to predominantly lamp posts, bins, telephone kiosks and wayfinding signs. This ensures the footpaths along both sides of this section of High Holborn remain relatively open, which contributes positively to the CA.
8. The Character Appraisal and Management Strategy¹ for the High Holborn area of the CA ("BCAAMS") is explicit that building frontages, roads and pavements are all important elements of the public realm within the CA, and the cumulative impact of small-scale additions, including the clutter from street furniture, can have an overall detrimental impact on the character of the area. The BCAAMS goes on to include a commitment to reduce street clutter, in order to encourage improvements to the public realm. In this context, the introduction of a coffee kiosk in the proposed location would lead to a proliferation of street furniture within the CA, which would directly contravene the objectives of the BCAAMS.
9. In terms of size, the proposed coffee kiosk would be approximately 4 metres long and 2 metres wide, with a height of approximately 2.8 metres. In the context of the other street furniture in the immediate vicinity of the appeal site, the kiosk would appear as a bulky and prominent addition to the streetscape, which would disrupt the prevailing sense of openness of the footpaths in this location. Given the proximity of the site to Holborn Tube Station and the associated volume of foot traffic, the impact of this loss of openness would be

¹ Bloomsbury Conservation Area Appraisal and Management Strategy, Adopted 18 April 2011

particularly acute. The appeal scheme would therefore fail to preserve or enhance the character or appearance of the CA.

10. This harm would be less than substantial. I am required by the Framework to balance this against the proposal's public benefits, attaching great weight to the conservation of the heritage asset (being the CA in this case). I can only attach very limited weight to the wider economic benefits of what would be a contextually small-scale business operation of the type proposed, and in this instance, they would be insufficient to outweigh the harm I have found.
11. The development would therefore conflict with Policy D2 of the Camden Local Plan 2017, which requires new development to preserve, and where possible enhance Camden's rich and diverse heritage assets, by reference to any relevant conservation area character appraisals where applicable. The development would also conflict with the overarching objectives of the London Plan 2021 and the Framework (2021), both of which place great importance on the preservation and enhancement of an area's historic environment.

Other Matters

12. I acknowledge that a fruit and veg stall has been in operation in a similar location as the proposed kiosk, and benefits from an extant trading licence from the Council. Nonetheless, this stall is made up of low-level crates/tables with umbrellas above, which means it is less visually obtrusive than the kiosk proposed. As a result, it is able to integrate more effectively within the streetscape, without undermining the openness of the public realm in this location.
13. Moreover, given the stall is temporary in nature and easily moveable, if any issues with highway safety were ever identified, the stall could easily be removed without issue. Conversely, allowing the proposed kiosk would not extend the same level of flexibility to the Council. As such, the presence of the existing fruit and veg stall would not justify approval of a semi-permanent business in this location.
14. From a design perspective, the external appearance of the kiosk would be commensurate with the prevailing commercial character of the area. Nonetheless, and as a lack of harm, this is a neutral factor, and would not outweigh the harm to the character of the wider CA and to pedestrian safety as identified above.

Conclusion

15. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should be dismissed.

James Blackwell

INSPECTOR