

## Appeal Decision

Site visit made on 25 February 2015

**by Jane Miles BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 18 March 2015**

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**Appeal Ref: APP/X5990/W/14/3000891**

**1no. BT telephone kiosk outside HM Treasury, Great George Street, London SW1P 3AE**

- 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 Steve Beeken of Thinking Outside the Box against the decision of City of Westminster Council.
  - The application ref: 14/04469/FULL, dated 12 May 2014, was refused by notice dated 20 August 2014.
  - The development proposed is change of use from 1no. BT telephone box to 1no. self-contained retail unit (A1).
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. I have determined the appeal on the basis of the revised plans submitted with the appeal, drawing nos. EX01/A and PL01/A. The revisions are simply to correct an error in the application drawings, which wrongly showed the door of the telephone box hinged on the right hand side.

### Reasons

3. The appeal proposal would involve putting a self-contained modular unit into the box, to be used for selling drinks and/or ice cream to passing pedestrians. When the retail facility is in operation, the door of the box would be kept open and the vendor would stand on the pavement next to it. From the supporting information it is apparent that the proposed change of use would not involve any significant change to the principal structure of the telephone box: its external appearance would remain essentially the same as the other telephone boxes in the vicinity.
4. However the red telephone box, in the Whitehall Conservation Area (CA), is one of eight Grade II listed boxes set at intervals around the Great George Street and Parliament Street sides of the former HM Treasury building (which is listed Grade II\*). Given the limited size of the telephone box, it would be necessary to remove the telephone equipment to accommodate the vending unit, thereby taking away the purpose for which the box was designed. The box, nearby listed buildings and the CA are all designated heritage assets and

there are statutory duties to observe in relation to these<sup>1</sup>. In addition, one of the core principles of the *National Planning Policy Framework* expects such assets to be conserved in a manner appropriate to their significance, so they can be enjoyed for their contribution to the quality of life of this and future generations. Thus, even though the Council's refusal reason is based on other grounds, the proposal's effects on heritage assets, including removal of the telephone equipment, are matters I must address in determining the appeal.

5. Consequently the **first main issue** is the effect of the proposal in terms of pedestrian circulation and highway safety. The **second main issue** is the effect of the proposal on the special architectural and historic interest of the telephone box and on the settings of nearby listed buildings, and whether the proposal would preserve or enhance the CA's character or appearance.

#### *Pedestrian circulation and highway safety*

6. The width of the pavement in the vicinity of the telephone box is considerable, not least because the box is at one end of a recessed section of the former Treasury building's frontage. There is pavement space between the building and the telephone box which is outside the main desire line for pedestrians, and the door of the box opens sideways rather than outwards into the main pedestrian flow. Thus even though this is a very busy area, with large numbers of tourists on the pavements, I find that the proposed use is unlikely to cause significant levels of congestion or obstruction of the pavement.
7. Servicing the kiosk would be required daily and the appellant maintains firstly that this could be achieved outside the hours of 08.30-18.30 when the 'clearway' designation along Great George Street is in force. Secondly it is suggested there would be sufficient space within the kiosk for storage of supplies and waste without any overflow onto the pavement. However, as there are no specific provisions for parking in the immediate vicinity, delivery vehicles would have to stop either within the carriageway or partly on the carriageway and partly on the pavement. Neither option is desirable in this location which is busy outside the hours mentioned, and where it is readily apparent that even minor obstructions to the flow of traffic can rapidly result in traffic congestion. Such obstructions would also increase the hazards for pedestrians in the area.
8. In summary I find the proposed use would not unacceptably impact on pedestrian circulation but, in this particular site context and on the basis of the information before me, I am not satisfied the kiosk could be serviced without detriment to highway and pedestrian safety and the free flow of traffic. In the latter respect the proposal would unacceptably conflict with saved Policies TRANS20 and SS16 of the Council's Unitary Development Plan (2007) and Policy S42 of Westminster's City Plan: Strategic Policies (2013).

#### *Heritage assets*

9. The reasons for designating the eight telephone boxes<sup>2</sup> as Grade II listed buildings, set out on the list entry, are equally apt as a description of their significance. The Giles Gilbert Scott designs are of special interest for their iconic status as milestones of 20<sup>th</sup> century industrial design. The eight boxes have outstanding group value directly outside the Grade II\* former Treasury

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<sup>1</sup> As set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in relation to the telephone box itself and the setting of other listed buildings, and in Section 72(1) of the Act in relation to the Conservation Area

<sup>2</sup> Two 'K2' and six 'K6' designs

- building, close to numerous other listed buildings and within sight of the Houses of Parliament, Westminster Abbey and St Margaret's Church which are all Grade I listed buildings in a World Heritage site.
10. Thus the K6 box in this case, including the integral telephone equipment which explains its function and form, is significant in itself and as a contributory element to a wider area of the highest significance in terms of heritage assets. For similar reasons it also contributes to the character, appearance and significance of the Whitehall CA which comprises an area north of Great George Street, Parliament Square and Westminster Bridge and includes many other nationally significant buildings. The large numbers of tourists in the area demonstrate an aspect of the value of these varied heritage assets, including this particular telephone box. As I saw during my visit, it is frequently used by tourists who take photos of the box and its telephone with Big Ben and the Houses of Parliament as a backdrop.
  11. As the appeal proposal would not change the external appearance of the box to any appreciable degree, I find it would preserve firstly the settings of the Grade II\* building behind it and other nearby listed buildings and, secondly, the character and appearance of the Whitehall CA. However, with regard to the listed telephone box itself, the loss of the use for which it was designed and the removal of the telephone equipment (even though this is relatively modern) would adversely affect its special historic interest and cause harm, albeit less than substantial, to its significance as a heritage asset.
  12. Policy guidance in the *Framework* establishes that any harm to heritage assets requires clear and convincing justification, and expects 'less than substantial' harm to be weighed against the proposal's public benefits, including securing its optimum viable use. In the latter respect I note the points made about the commercial viability of telephone boxes in general, given the decline in usage for their original function. Nonetheless, from the evidence before me I am not satisfied that the future use and viability of this particular telephone box, together with its ongoing maintenance and preservation, would be called into question if this proposal was not allowed. Therefore, although I have had regard to the argument that the appeal proposal would secure the future of the listed telephone box, I give this matter limited weight as a public benefit.
  13. Also in terms of benefits, the proposal would create an employment opportunity, albeit on a very small scale, and it is explained that 'Thinking Outside the Box' is a charitable trust which would give a percentage of earnings from the proposed use to support projects for homeless people. Even so, bearing in mind that any harm to heritage assets is a matter of considerable importance and weight, on balance I find the proposal's benefits insufficient to outweigh the harm it would cause to the heritage asset. It would unacceptably conflict in this respect with the objectives of policy guidance in the *Framework*.

### *Conclusion*

14. I have had regard to all other matters raised but have found nothing sufficient to alter or outweigh my conclusions on the two main issues. It follows therefore that the appeal must fail.

*Jane Miles*

INSPECTOR

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