



Appeal Decisions

Site visit made on 24 April 2025

by **Megan Thomas KC** Barrister-at-Law

an Inspector appointed by the Secretary of State

Decision date: 22 May 2025

Appeal A Ref: APP/X0360/W/24/3356330

Land outside 42 Market Place, Wokingham RG40 1AT

- 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 New World Payphones against the decision of Wokingham Borough Council.
 - The application Ref. is. 242143.
 - The development proposed is the installation of 1 no. new communications kiosk with integrated advertising display.
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Appeal B Ref: APP/X0360/H/24/3356331

Land outside 42 Market Place, Wokingham RG40 1AT

- The appeal is made under regulation 17 of the Town and Country Planning (Control of Advertisements)(England) Regulations 2007 against a refusal to grant express consent.
 - The appeal is made by New World Payphones against the decision of Wokingham Borough Council.
 - The application Ref. is 242144.
 - The development proposed is the installation of 1 no. new communications hub with integrated advertising display.
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Decisions

Appeal A Ref: APP/X0360/W/24/3356330

1. The appeal is dismissed.

Appeal B Ref: APP/X0360/H/24/3356331

2. The appeal is dismissed.

Procedural Matters

3. There are two appeals relating to the same site, one against the refusal of planning permission and the other against the refusal of advertisement consent. They are intrinsically linked and raise similar issues. To avoid repetition, while considering each on its merits, I have dealt with both in a single decision letter. I have referred to

the listed Lodge as Wingmore Lodge as this is how it is described by Historic England, not “Wigmore Lodge” as used by the Council and the Appellant.

4. The Town and Country Planning (Control of Advertisements)(England) Regulations 2007 stipulate that control may only be exercised in the interests of ‘amenity’ and ‘public safety’. With respect to appeal B, the development plan policies referred to by the Council are not determinative, but I have taken these into account as material considerations.
5. Development plan policies have been referred to by both parties, in respect of both the s78 and advertisement appeals. They are policy CP3 of the Wokingham Core Strategy (adopted 2010) which contains development principles, CP6 of the same plan on managing travel demand, policy TB24 of Wokingham’s Managing Development Delivery (adopted 2014) and policy TB19 of the same plan which deals with outdoor advertisement principles.

Main Issues

6. The main issues are the effects of the proposals on character, appearance and amenity of the area including on the Wokingham Town Centre Conservation Area ‘CA’ and the setting of some listed buildings, and the effects on highway and pedestrian movement and safety.

Reasons

Character, appearance, amenity & heritage

7. The appeal site is on the pavement to the north west of no.42 Market Place which is currently occupied by a Clarks shoe shop. In fact, the road which is directly to the north west of the appeal site is Rose Street. The immediate area and Market Place itself form of the heart of Wokingham town centre and the heart of Wokingham Town Centre Conservation Area ‘CA’. Broad Street runs in a south east/north west direction and forms a corner with Rose Street near the appeal site.
8. The area is mainly commercial and retail businesses. The ornate gothic-style Town Hall stands as an island in the triangle of Market Place and is a listed building. The building of which Clarks forms a part is modern and has white pillars on the corner which allow ground floor open views of Rose Street/Market Place. The proposed kiosk would be situated about three to four metres from the building corner, away from Market Place and directly adjacent to Rose Street.
9. Planning permission is sought for the installation of a black communication kiosk measuring about 2.4m in height, about 0.8m in depth and about 1.1m in width. On one side of the structure, the kiosk would incorporate a telephone (permitting free calls to emergency services and various charities), a defibrillator, interactive wayfinding information, USB charging points and Wi-Fi.
10. On the reverse would be a digital advertising screen. The screen would be able to be used to display Council public information, public health information and emergency incident messaging. However, primarily it would be used for private advertising. Advertisement consent is sought for the installation of the aforesaid digital advertisement screen. It would measure about 1.63m in height and approximately

0.9m in width. Advertisements would be internally illuminated at 300 cd/m² and the screen would display static images that would change every 10 seconds. The display would have an inbuilt sensor control system which adjusts display luminance to ambient light levels.

11. In accordance with the statutory duty set out in section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA and in accordance with section 66 of the same Act, I have had special regard to the desirability of preserving the setting of listed buildings.
12. The CA is clearly based on the historic street pattern, with Market Place, Broad Street and Rose Street being some of the most significant roads/places in the town. There are many listed buildings in the immediate vicinity and the commercial buildings and uses have not significantly detracted from an attractive and traditional market town. I consider the significance of the CA to be its generally modest building styles predominantly made of red brick with tiled clay roofs, imparting a rich traditional Berkshire market town character.
13. The structure would be tall at about 2.4m high and wide at about 1.1m and eye catching when seeing the large illuminated digital display on one side. The chosen proposed siting for the kiosk would render it intrusive in the relatively open street scene. Where Broad Street meets Rose Street and Market Place, the corner for pedestrians is open with only two no entry road signs present. This is one of the main 'gateways' into Market Place. The proposed kiosk would be in a very prominent position which would not relate to any other street furniture. It would appear unintegrated and illegible in the streetscene.
14. Whilst the proposed kiosk would have some elements which echo a traditional red telephone box, I do not agree with the Appellant that it would at least conserve (or preserve) the character and appearance of the CA. It would have a divergent character, particularly the large illuminated digital advertisement display screen, and it would erode the historic curated significance of the CA. It would be reasonably close to Wingmore Lodge which is at 2 Rose Street and which is comprised of three storeys and built of red brick, rising straight up from the inner pavement edge. It is grade II listed. The proposal would appear incongruous in the setting of that building and would detract from an appreciation of it as an historic asset. Notwithstanding the fact that the proposal would be outside a modern building, the prevailing streetscene is a traditional market town character.
15. The proposal would also be within the settings of nos 7, 9, 11 and 13 Broad Street which are grade II listed townhouses now used as offices or shops. It would also be in the setting of 12A-14 Broad Street which is also grade II listed and has fifteenth century origins. In all these cases, it would detract from an appreciation of their special interest as historic assets.
16. I have considered the harm to both the CA and to the listed buildings assessed above and consider that on an individual or cumulative basis the harm would be "less than substantial" in NPPF terms. There are public benefits to weigh against that heritage harm (and against the planning harm) including the defibrillator, the provision of WiFi

and of a payphone for members of the public (without a mobile or a working mobile), being able to make emergency calls, the interactive wayfinding service and the use of screens for public and community information. In respect of the provision of a defibrillator there is currently one a few metres away in a red kiosk next to 12A to 14 Broad Street and two in separate buildings off Rose Street (Waitrose and Methodist Church) and consequently this element can only carry limited weight on this occasion. Having considered the benefits as a whole, I do not consider that they are outweighed by harms I have identified above.

17. On the first issue, I conclude that the appeal proposal would result in unacceptable harm to character, appearance and amenity of the area and would not preserve or enhance the CA and would detract from the setting of nearby listed buildings. Accordingly, a clear conflict arises with the provisions of some of the development plan policies identified earlier.

Highway and Pedestrian Safety

18. The kiosk would be sited about 450mm from the edge of Rose Street and about 2200mm from the shopfront on the south east side. The pavement is about 4.2m wide at this point.
19. The proposed location is in close proximity to the priority junction Rose Street/Broad Street. It is also situated just before a crossing point and falls within the pedestrian splays. This would potentially block drivers' views of pedestrians waiting to cross and/or pedestrians' views of approaching traffic, which is unacceptable. The kiosk would also block the existing street signage, obstruct the visibility splay along Rose Street (from the junction of Market Place with Broad Street and Rose Street) and create a distraction to the road users. I am also concerned that the short distance of about 450mm between the kerb of Rose Street and the kiosk would not be sufficiently wide for safe passage of pedestrians should they choose to take that route when the pavement is particularly crowded. I have taken into account guidelines referred to by the Appellant, however, this is a town centre pavement which I anticipate sustains a particularly heavy footfall at peak times.
20. Consequently, on this second issue, I conclude that the proposal would be contrary to highway and pedestrian safety and would conflict with some of the development plan policies identified above.

Conclusion

21. All other matters raised in the representations have been considered but none outweighs the considerations that led me to my conclusions on the appeals.
22. For the above reasons, I conclude that the appeals should be dismissed.

Megan Thomas KC

INSPECTOR