
Appeal Decision

Site visit made on 6 March 2017

by Chris Couper BA (Hons) DiP TP MRTPI

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

Decision date: 21 March 2017

Appeal Ref: APP/V5570/Z/17/3167372

Telephone kiosk outside 241 Holloway Road, Islington, London N7 8HG

- 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 Mr Matthew Coe (New World Payphones) against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/3769/ADV, dated 27 September 2016, was refused by notice dated 22 November 2016.
 - The advertisement proposed is an internally illuminated digital panel as an integral part of a telephone kiosk.
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Decision

1. The appeal is allowed and express consent for the display of an internally illuminated digital panel as an integral part of a telephone kiosk, as applied for is granted. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Town and Country Planning (Control of Advertisements) (England) Regulations 2007, and the additional condition set out below:
 - 1) The internally illuminated digital panel advertisement hereby granted consent shall display static images only, and the images shall be changed no more frequently than once every ten seconds through a smooth fade. No moving images or special effects shall be shown.

Procedural Matters

2. In response to a request from the Planning Inspectorate, the Council's email dated 7 March 2017 included a plan showing that the site is within the St Mary Magdalene Conservation Area ('CA'). That accords with its officer report and with the grounds of appeal. I have dealt with the appeal on that basis.
3. Although the report refers to the scheme's two illuminated signs, from the evidence before me, including paragraph 6.1 of the grounds of appeal, the appellant's supporting statement and the specification document, I understand that one of those would be a 24 inch interactive LCD display within the kiosk and would not be for advertising purposes.

Main Issue

4. The main issue is the effect of the proposal on the character and appearance of the area.
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Reasons

5. Paragraph 67 of the National Planning Policy Framework ('Framework') states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. However, only those advertisements which will clearly have an appreciable impact on a building or on their surroundings should be subject to the local planning authority's detailed assessment, and should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.
6. The Planning Practice Guidance sets out at ID: 18b-079-20140306 that in assessing amenity the general characteristics of the locality should be considered, and that the scale of advertisements should be in keeping with important historic, architectural or cultural features.
7. The proposal would entail the replacement of an existing telephone kiosk, with one described by the Council as slightly larger. It would include an integrated LCD digital panel to the rear with a display area of approximately 1.5sqm, which would display static images in a sequence changing no more frequently than once every 10 seconds, with a smooth fade.
8. This part of Holloway Road within the CA is characterised by a variety of ground floor commercial units such as shops and restaurants. Many of those have fascia signs or projecting signs, some, such as at no. 249, internally illuminated. Although there are some trees and street furniture, including kiosks, bins and lamp posts, the pavement here is wide and uncluttered. The appellant has drawn my attention to nearby 6 sheet internally illuminated panels incorporated within bus shelters, and a non-illuminated advertisement on a nearby BT kiosk. Given the site's context, and the dimensions of some of those advertisements, the scale of this one, whether or not larger than the vinyl advert it would replace, would not appear out of keeping with the area.
9. I accept that this form of display technology is increasingly common in major urban areas, and I see no reason why it should be any brighter or more intrusive than some other forms of display such as those with fluorescent lighting. I have no cogent evidence to support the Council's stance that the method of internal illumination would be inappropriate. Given the nearby illuminated signage, shop windows and street lighting, the level of ambient night time illumination here is high, as evidenced by the photographs at appendix B of the grounds of appeal.
10. Summing up, given the site's location within a busy, commercial environment, which is a Local Shopping Area, and the variety of nearby signage at or near street level, the scheme would respect the area's local characteristics, and would not result in a harmful proliferation of signage. The proposed kiosk would not appear materially larger than the one it would replace, and as the street furniture on this wide pavement is fairly well-spaced, the proposal would not dominate the streetscene, or result in unacceptable visual clutter.
11. Consequently, the proposal would not harm the area's amenity. Having paid special attention to the statutory duty to preserve or enhance the character or appearance of conservation areas, I conclude that the scheme would satisfy that test.
12. The Council's decision refers to policy CS9 of the Islington Core Strategy 2011 ('Core Strategy'), and policy DM2.1 of the Islington Development Management

Policies 2013 ('DMP'). Those are general policies requiring high quality design, which enhances the built environment and contributes to local character. More specifically, DMP policy DM2.6 sets out, amongst other things, that advertisements shall be of the highest standard, shall be sensitive to the streetscene, especially in conservation areas, shall contribute to a safe and attractive environment, and shall not result in an unsightly proliferation or clutter of signage. Section 2.6.2 of the Islington Urban Design Guide Supplementary Planning Document 2006 states that signs should not be unduly prominent and should visually integrate.

13. However, the Regulations require that decisions are made only in the interests of amenity and public safety. Consequently, although I have taken into account those policies and guidance, which are material, and I conclude that the scheme would not conflict with them, they have not been a decisive consideration in my decision. As the proposal would not have a negative impact on the local environment, it would not conflict with the Framework.
14. The Council states that, in the event that the appeal is allowed, it should be subject only to the Regulations' standard conditions. However, in its response, Transport for London ('TfL') suggests five more conditions. The intensity of the sign's illumination would be automatically controlled, and during the hours of darkness would be a maximum of 280cd/m² as set out on the application form and supporting information. That would be well within the level for commercial areas recommended by the Institute for Lighting Engineers. Consequently, TfL's fifth suggested condition is unnecessary. It is not clear to me from TfL's representation why the sequencing of messages relating to the same product would be harmful. On the basis of the evidence before me, TfL's fourth suggested condition is therefore unnecessary.
15. With regards TfL's suggested condition nos. 1 to 3, I consider that special visual effects, and a rapid succession of advertisements would be likely to cause a significant distraction to drivers on this busy road, and would additionally have a harmful impact on local amenity. I have therefore imposed a single additional condition to address those matters. I gave both main parties the opportunity to comment on that condition, and the Council stated in an email dated 13 March that it would be content with it. Finally, I see no reason why a smooth fade between advertisements, would cause harm.
16. For the above reasons, I conclude that the scheme would not harm the character and appearance of the area. Having regard to all other matters raised, the appeal is therefore allowed.

Chris Couper

INSPECTOR