

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/17/3167310

Public telephone 18m from Fairweather House, Parkhurst Road (8m from Parkhurst Road)

- 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 the Council of the London Borough of Islington.
 - The application Ref P2016/3814/ADV, dated 28 September 2016, was refused by notice dated 23 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 dismissed.

Procedural Matters

2. Although the name of the appellant on the appeal form differs from the name of the applicant, the company name is the same, and that is therefore what I have used in my heading above.
3. Whilst the Council's delegated report refers to the scheme's two internally 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.

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.
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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. It would display static images in a sequence changing no more frequently than once every 10 seconds, with a smooth fade. Its brightness would be automatically controlled and would be a maximum of 280cd/m² during the hours of darkness, which I am told would be well within the level recommended by the Institute of Lighting Professionals for commercial areas. I recognise that this form of LCD digital technology, and displays integrated with street furniture along main thoroughfares, is not uncommon in major cities.
8. The kiosk would be sited 450mm back from the kerb face, in accordance with siting advice in the Transport for London Streetscape Guidance Third Edition 2016 Revision 1; and forward of regularly-spaced trees on the pavement adjacent to Parkhurst Road. Those properties closest to the site are the flats at Fairweather House, which are set back behind a hedgerow and lawn. The pavement here is wide, and although there is some street furniture, including lampposts, a bus stop, seating and the existing kiosk, those features are generally well-spaced, thus giving it an uncluttered, green and open feel. Although the appellant describes this as a mixed use area, and I note its proximity to H.M. Holloway Prison, from the evidence of my visit the immediate locality has a predominantly residential character.
9. There is some advertising nearby such as the two consented internally illuminated 6 sheet advertising panels incorporated into the bus stop on the same side of the road to the north, and a vinyl advert on the side of a BT telephone kiosk opposite. However, in this streetscene, advertising is not common place.
10. Unlike the advertisement it would replace, this one would be illuminated. I note that the area is lit by streetlamps, as illustrated by the photographs at Appendix D of the grounds of appeal. However, in this largely residential and partly-landscaped location the illuminated display would be a prominent feature which would jar with the area's general characteristics. The sequential changes in image would also draw the eye to the display.
11. Turning to the kiosk itself, the appellant states that it has been carefully designed with reference to the original 'K6'. In my view its overall dimensions would not harm the area, and I concur with the officer view expressed in pre-application discussions that its design would represent an improvement in terms of visual amenity compared to the existing kiosk. It would also provide a valuable service for the public, including a public safety function; although I have noted a representation regarding misuse of the existing facility.
12. As well as the Framework, the Council's decision refers to policy CS9 of the Islington Core Strategy 2011, 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, and shall contribute to an attractive environment. 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. For the reasons above the scheme would conflict with those policies and guidance.

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 the above policies and guidance, which are material insofar as they seek to protect the area's amenity, they have not been a decisive consideration in my decision.
14. The appellant also sets out the scheme's improved access for all users; that it takes account of maintenance needs and the risks of vandalism; and, that in its use of modern technology with multi-functional capability, it would embrace the Framework's objective of supporting advanced, high quality communications infrastructure as an essential part of sustainable economic growth. However, the Regulations set out that the sole matters for consideration are amenity and public safety.
15. I note that this is not a conservation area and that no listed buildings would be affected. I have also considered the appeal decisions in Hillingdon included at Appendix B of the grounds of appeal. Those include the Inspector's finding that there is no technical reason why digital displays should be any brighter or more intrusive than a conventional advertisement display unit with internal fluorescent lighting. Nevertheless, for the above reasons, having considered this scheme's overall effect on amenity, I conclude that it would cause significant harm to the established character and appearance of this area. Consequently, the appeal is dismissed.

Chris Couper

INSPECTOR