

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/17/3167481

Telephone kiosk outside 44 Junction Road, Islington, London N19 5RD

- 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 P2016/3800/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 Matter

2. 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

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

Reasons

4. 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.
 5. 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.
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6. The proposal would entail the replacement of an existing telephone kiosk. 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.
7. The kiosk would be sited within Archway Town Centre, adjacent to a primary shopping frontage. The Council describes the site as falling within the St. John's Grove Conservation Area ('CA'). Although the appellant concurs that that appears to be the case, the CA plan that I have been provided with indicates that it may lie outside it, albeit immediately adjacent. The St John's Grove Conservation Area Design Guidelines 2002 states that internally illuminated signs will not normally be permitted within the CA, and that signs can detract from the area's visual amenity.
8. This is a busy environment with a range of nearby commercial uses including a supermarket, other retail units and property services. Many of the buildings, including those adjacent to this site, announce their presence with signage, including fascia and projecting signs, a significant number of which are internally illuminated. The section of pavement where the kiosk would be located contains an array of street furniture, some of which is identified at paragraph 14 of the Council's delegated report. That includes cycle stands, bins, street lighting, parking meters and highway signage. As a result, this section of the pavement is very cluttered. There are nearby examples of street advertising in the form of non-illuminated vinyl adverts on a BT kiosk, and digital as well as internally illuminated 6 sheet advertising panels incorporated within a bus shelter approximately 100m to the north on the same side of Junction Road.
9. Given the existing signage, vehicular traffic and light emanating from the shop fronts (as illustrated by the photographs at Appendix B of the grounds of appeal), this is an area with significant illumination during the hours of darkness.
10. However, the illuminated advertisement on this replacement kiosk would make it significantly more conspicuous in the streetscene than its predecessor with a vinyl advert, and would result in a significantly greater perception of clutter on this already crowded and confused section of pavement. 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. In its favour the scheme would also provide a valuable service for the public, including a public safety function. However, for the reasons above, having regard to cumulative impacts, the proposal would add to the perception of visual clutter on this section of pavement, would harm the streetscene, and would detract from the visual amenity of the area.

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 especially in conservation areas, shall contribute to an attractive environment, and shall not contribute to an unsightly proliferation and clutter of signage in the vicinity. 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. Having paid special attention to the statutory duty to preserve or enhance the character or appearance of conservation areas or their settings, I conclude that the scheme would fail that test. As this is an appeal against the refusal of advertisement consent, I have not gone on to consider paragraphs 131 to 134 of the Framework.
16. I have considered the appeal decisions in Hillingdon included at Appendix A 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 the proposed internally illuminated digital panel here would add significantly to the area's visual clutter, and would thereby harm its character and appearance. Consequently, the appeal is dismissed.

Chris Couper

INSPECTOR