

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/17/3167482

93 Holloway Road, Islington, London N7 8LT

- 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 P2016/3802/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.
-

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.
 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 proposed kiosk would be sited on the west side of Holloway Road within the St Mary Magdalene Conservation Area ('CA'). This is a busy commercial environment fronting a main arterial road. Although there is some existing street furniture on the pavements each side of the road, such as lampposts, bus stops, bins, and the existing kiosk, it is reasonably spaced, and this section of the pavement is not visually cluttered.
9. I understand that this is a designated Local Shopping Area. There is advertising on the buildings, particularly fascia signs and some projecting signage mostly below first floor level on the commercial units. However, I observed that, where they are illuminated, many of those signs closest to the appeal site are externally lit either by means of trough lights or spot lights. Although there are non-illuminated vinyl advertisements on two nearby BT kiosks, the nearby pavements generally contain limited advertising. Whilst I observed the bus shelter referred to at paragraph 2.2 of the grounds of appeal, it did not contain back-to-back illuminated 6 sheet panels at the time of my visit, and I have no evidence to indicate that it has consent for such a form of advertising.
10. Unlike the vinyl advert it would replace, this one would be illuminated. I note that this area is well-lit by the commercial frontages, traffic, and streetlamps, as illustrated in Appendix B of the grounds of appeal. Notwithstanding that, the proposed internally illuminated advertisement with sequential changes in image would draw the eye, and would be very prominent on this fairly open section of pavement. That form of illumination would also be at odds with the generally more subtle advertisement lighting on many of the adjacent buildings in this part of the CA.
11. The appellant states that the kiosk has been carefully designed with reference to the original 'K6'. In my view its overall dimensions would not be harmful to the area, and the scheme would not result in visual clutter. 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.
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. In general terms DMP policy DM2.3 states that heritage assets shall be conserved and enhanced in a manner appropriate to their significance. 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, 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. 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 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 note that there are no listed buildings close by, and I have also considered the appeal decisions in Hillingdon included at Appendix A of the appellant's 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 internal illumination here would harm the character and appearance of this area. Consequently, the appeal is dismissed.

Chris Couper

INSPECTOR