
Appeal Decision

Site visit made on 25 April 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 14 June 2017

Appeal Ref: APP/V5570/Z/16/3162388
129 Holloway Road 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 JCDecaux UK Limited against the decision of the Council of the London Borough of Islington.
 - The application Ref P2016/3053/ADV, dated 1 August 2016, was refused by notice dated 18 October 2016.
 - The advertisement proposed is a double-sided freestanding Forum Structure, featuring 2 x Digital 84" screen positioned back to back. The Digital screen is capable of displaying illuminated, static and dynamic content.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons

3. The proposed advertisement would entail the erection of a freestanding totem structure at one end of an existing bus shelter. The shelter is situated on a narrow stretch of pavement, two metres or so from the boundary with the churchyard grounds of St Mary Magdalene Church (the Church).
 4. The appellant said the refusal was in respect of the replacement of an existing illuminated advertisement but there is no illuminated advertisement at the appeal site.
 5. The Church is a Grade II* Listed Building that sits within the St Mary Magdalene Conservation Area (the Conservation Area). I am mindful of my statutory duty, arising under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.
 6. The area surrounding the appeal site consists of small-scale commercial premises to one side of the bus shelter and an otherwise uncluttered view of the Church sitting in a tranquil open space, shaded by several mature trees. The Church is a dominant feature that makes a significant contribution to the Conservation Area. The current structure of the bus shelter and the lack of external illumination from the nearby commercial premises together mean that
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the Church is likely to maintain its impact on the Conservation Area during all seasons and at all times of the day.

7. The illumination and dynamic elements of the proposed advertisement would inevitably distract the eye, thereby undermining the appreciation of the church and its contribution to the conservation area. Therefore, mindful of the harm to the context of the listed building and to the character and appearance of the Conservation Area, the proposal would have an appreciable adverse effect on visual amenity.
8. The appellant has offered additional conditions pertaining to lighting levels and animation of displays but I consider these are not sufficient to overcome the harm that would be caused.
9. The appellant has referred to benefits arising from the proposal in relation to the provision of travel and emergency information. While those are significant advantages, they are not sufficient to outweigh the harm to visual amenity and the negative impact on the character or appearance of the Conservation Area.
10. My attention has also been drawn to a recent Appeal Decision where express consent was granted for a similar proposal in a conservation area. However, that appeal involved replacing an existing illuminated totem structure and the bus shelter was situated on a significantly wider and more open stretch of pavement. Accordingly, the circumstances of that appeal are not directly comparable to this appeal. I have, in any event, reached my own conclusions on this appeal based on the evidence before me.
11. The proposal would conflict with the National Planning Policy Framework and, insofar as they are a material consideration to this appeal for advertisement consent, Policies CS8 and CS9 in Islington's Core Strategy and Policies DM2.1, DM2.3 and DM2.6 of Islington's Local Plan.

Conclusion

12. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

D Guiver

INSPECTOR