The Planning Inspectorate

Appeal Decision

Site visit made on 13 June 2017

by David Troy BSc (Hons) MA MRTPI

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

Decision date: 3 July 2017

Appeal Ref: APP/V5570/Z/17/3167080
Telephone Kiosk outside 147 Essex Road, Islington, London N1 2SN

- 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 P2016/3811/ADV, dated 28 September 2016, was refused by notice dated 23 November 2016.
- The advertisement proposed is internally illuminated digital panel as integral part of telephone Kiosk.

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.

Main Issue

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

Reasons

3. 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.

4. The Planning Practice Guidance sets out 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[1].

5. 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,

[1] Planning Practice Guidance: Paragraph 079 Reference ID: 18b-079-20140306

which would display static images in a sequence changing no more frequently than once every 10 seconds, with a smooth fade.

6. This part of Essex Road is characterised by a variety of ground floor commercial units such as shops and restaurants. Many of these have fascia signs or projecting signs, some internally illuminated. Although there is some street furniture, including railings, bins and lamp posts and a pedestrian crossing and lights nearby, the pavement here is largely uncluttered. The appellant has drawn my attention to the 6 sheet internally illuminated panels incorporated within bus shelters and two wall-mounted 6 sheet internally illuminated advertising panels nearby. Given the site's context and the dimensions of some of those advertisements, the scale of the illuminated digital panel proposed would not appear out of keeping with the area.

7. 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 appellant's grounds of appeal.

8. Summing up, given the site's location within a busy, commercial environment, which is part of a designated Town Centre, 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 pavement is fairly well-spaced, the proposal would not dominate the streetscene, or result in unacceptable visual clutter.

9. Consequently, the proposal would not harm the area's amenity. 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). These 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, sensitive to the streetscene, contribute to a safe and attractive environment and 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.

10. 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. 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. As the proposal would not have a negative impact on the local environment, it would not conflict with the Framework.

11. The Council states that, in the event that the appeal is allowed, it should be subject only to the Regulations' standard conditions and I consider that this is necessary and reasonable.

Conclusion

12. For the above reasons, I conclude that the scheme would not harm the amenity of the area. Having regard to all other matters raised, the appeal is therefore allowed.

David Troy

INSPECTOR