

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: 4 July 2017

Appeal Ref: APP/V5570/Z/17/3169180

Telephone Kiosk outside 89/91 Stroud Green Road, Islington, London N4 3PX

- 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 P2016/3861/ADV, dated 3 October 2016, was refused by notice dated 15 December 2016.
 - The advertisement proposed is internally illuminated digital panel as integral part of telephone Kiosk. Resite kiosk 1100mm north o/s party 93-95 Stroud Green Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed advertisement on the amenity and public safety of the area.

Reasons

Amenity

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 features¹.
5. The proposal would entail the replacement of an existing telephone kiosk, with one described by the Council as slightly larger, that would be repositioned about 5m north-west of the existing kiosk. It would include an integrated LCD digital panel to the rear with a display area of approximately 1.5sqm, which

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

- 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 the appellant advises would be well within the level recommended by the Institute of Lighting Professionals for commercial areas.
6. This part of Stroud Green Road is characterised by a variety of ground floor commercial units such as shops and takeaways. Many of these have fascia signs or projecting signs, some internally illuminated. Although there are some trees and street furniture, including the existing kiosk, utility cabinets, bins and lamp posts, traffic signals, pedestrian crossing and railings nearby, the pavement here is wide and uncluttered. The appellant has drawn my attention to the 6 sheet internally illuminated panels incorporated within bus shelters 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.

Public safety

11. The proposed Kiosk would be sited adjacent to an existing crossover outside No. 93 Stroud Green Road. The crossover is located off a straight section of Stroud Green Road where a 30 mph speed limit applies. There are double yellow lines in front of the properties along both sides of the two-way section of the road.
12. The appellant states that the kiosk would be sited 1000mm from the crossover edge and 450mm back from the kerb face, in accordance with siting advice in the Transport for London Streetscape Guidance Third Edition 2016 Revision. However, this guidance also states it is good practice to ensure that sightlines at the crossovers are kept clear and free of physical obstructions. Therefore, despite the setback, from my observations on site, I consider that the proposed kiosk would restrict the visibility for motorists using the crossover in a north-westerly direction and result in potential conflicts between traffic and cyclists or pedestrians. Therefore, I consider the proposal would have an adverse effect on highway and pedestrian safety.
13. Consequently, the proposal would harm the area's public safety. The Council's decision refers to Policies DM2.6 and DM8.2 of the Islington Development Management Policies 2013. These policies sets out, amongst other things, that advertisements shall not cause a hazard to pedestrian or road users, have no negative impacts on the safe and efficient operation of transport infrastructure and that any adverse impacts upon the capacity of the transport infrastructure, including pavements, is fully mitigated.
14. However, the Regulations as set out above require that decisions are made only in the interests of amenity and public safety. Consequently, whilst I conclude that the scheme would conflict with these policies, they have not been a decisive consideration in my decision. However, as the proposal would have a negative impact on public safety, it would conflict with the Framework.

Other matters

15. 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.
16. 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 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. I acknowledge that there are at least some parallels between these other cases and the current appeal. Nonetheless, each proposal falls to be assessed primarily on its own merits and in any event I am unaware of the full circumstances associated with these other cases.

17. I have also noted the objections from the local businesses and the public to the proposal. However, in light of my findings on the main issues of the appeal, my decision does not turn on these matters.

Conclusion

18. Although I have concluded that the proposed advertisement would not prejudice the amenity of the neighbourhood of the site, this does not outweigh the unacceptable impact on public safety in the area. Accordingly, I conclude that this appeal should be dismissed.

David Troy

INSPECTOR