
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: 06 July 2017

Appeal Ref: APP/V5570/Z/17/3169186

Telephone Kiosk outside 84 City Road, Islington, London EC1Y 2BJ

- 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 P2016/3863/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.
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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 proposal on the public safety 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 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, which 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.
 5. The appeal site is located at the south western corner of the Old Street roundabout adjacent to its junction with City Road. This is a signal controlled
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junction, with both traffic signals and a pedestrian crossing. At the centre of the roundabout is a large scale overhead four sided digital advertisement structure. The proposed advertisement would be sited adjacent to the subway entrance to the Old Street tube station, such that the illuminated display would only be visible to drivers approaching the roundabout along City Road from the south. In this direction of travel, the appeal site is approached down a level gradient and on a section of road with a slight curve. Consequently, the traffic signals are visible to approaching drivers from a reasonable distance.

6. The proposed advertisement would be located on City Road, and to the left of the traffic signals as viewed by drivers approaching from the south. The proposed sign would be set back from the road, traffic signs behind the subway entrance, signage and railings and therefore not be viewed in conjunction with the traffic signals by approaching drivers. Furthermore, it would be viewed for a reasonable distance as drivers approach from the south and this would provide adequate opportunity for drivers to assimilate the proposed sign and other advertisements in the area as they approach. I am therefore satisfied that the proposed advertisement would not cause drivers to be distracted as they approach the traffic controlled junction.
7. Whilst the site is situated near to the entrance to the large White Collar Factory building and within a busy commercial area with a high level of pedestrian activity, the proposed kiosk would not be significantly larger than the one it would replace and the street furniture on this pavement is fairly well-spaced. I therefore consider that the proposal would not result in significant material change in the current prevailing conditions and footway capacity at the site and as such would not result in a significant adverse impact on highway and pedestrian safety.
8. Consequently, the proposal would not 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.
9. 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, which are material, and I conclude that the scheme would not conflict with them, they have not been a decisive consideration in my decision. As the proposal would not have a negative impact on the local environment in terms of public safety, it would not conflict with the Framework.
10. 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. For the above reasons, I conclude that the scheme would not harm the public safety of the area. Having regard to all other matters raised, the appeal is therefore allowed.

David Troy

INSPECTOR