
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: 6 July 2017

Appeal Ref: APP/V5570/Z/17/3169190

Telephone Kiosk opposite 200 Essex Road, Islington, London N1 3AP

- 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 P2016/3768/ADV, dated 27 September 2016, was refused by notice dated 15 December 2016.
 - The advertisement proposed is internally illuminated digital panel as integral part of telephone Kiosk. Repositioning kiosk to 1000mm from main road kerb edge.
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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. 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 closer to the main road kerb edge. 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

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

- darkness, which the appellant advises 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.
6. The appeal site is situated forward of regularly-spaced trees on the pavement fronting onto a parade of ground floor shops on the south side of Essex Road. This part of Essex Road, although commercial in nature has an altogether different character to the main road further to the south, having the appearance of a low key local shopping parade serving the surrounding well-established residential neighbourhoods. The pavement is wide and although there is some street furniture, including the existing kiosk, railings, bollards, lamp posts, seating, a litter bin, a BT Telephone Kiosk, cashpoint and a road junction with pedestrian crossing and lights nearby, those features are generally well-spaced, thus giving it an uncluttered, green and open feel.
 7. There is some advertising nearby on the parade of shops, including fascia signs or projecting signs, some internally illuminated as well as two back to back internally illuminated 6 sheet advertising panels incorporated into the bus stop on the same side of the road to the north, and a vinyl advert on the side of a BT telephone kiosk opposite. However, unlike the advertisement it would replace, this one would be illuminated.
 8. During the daytime, the proposed digital panel would be unlikely to attract undue attraction. However, whilst I note that the area is lit by streetlamps and there is lighting from some of the nearby shops and the bus shelter display panels, as illustrated by the photographs at Appendix B of the appellant's grounds of appeal. During the hours of darkness, the illuminated display panel would be more noticeable in the more open and prominent location closer to the road, where none currently exists. It would be a dominant feature which would jar with the area's general characteristics and the sequential changes in image would also draw the eye to the display. It therefore in my view would be intrusive in this location and harmful to the visual amenity and the character and appearance of the area.
 9. 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). 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 and contribute to a safe and 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 these policies and guidance.
 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 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.
 11. Consequently, I conclude that the proposal would adversely harm the amenity of the area and conflicts with aims of the Framework as set out above.

Other matters

12. 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.
13. 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.
14. I have also noted the objection from the Angel Association to the proposal. However, in light of my findings on the main issue of the appeal, my decision does not turn on these matters.

Conclusion

15. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

David Troy

INSPECTOR