



Appeal Decision

Site visit made on 26 September 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 16 October 2017

Appeal Ref: APP/V5570/Z/17/3179476

552-554 Holloway Road, Islington, London N7 6JP

- 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 P2017/0645/ADV, dated 15 February 2017, was refused by notice dated 10 May 2017.
 - The advertisement proposed is an internally illuminated digital panel as integral part of Telephone Kiosk.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposed advertisement would form an integral part of a replacement telephone kiosk. It is not clear from the evidence before me whether the replacement kiosk itself has planning permission. However as the appeal relates to an application for advertisement consent, in reaching my decision I have solely considered the impact of the advertisement and not the telephone kiosk.
3. The site plan submitted with the application shows that the replacement telephone kiosk of which the advertisement would form a part would be positioned 4000mm away from the existing telephone kiosk. This is at odds with the covering letter submitted with the application which states that the replacement kiosk would occupy the same location as the existing kiosk. Though the Council noted this discrepancy within the Officer Report, in reaching its decision it relied on the site plan submitted with the application and assessed the proposal as such.
4. An amended site plan showing the proposed replacement telephone kiosk and advertisement adjacent to the existing kiosk has been submitted with the appeal. However it does not appear that this plan was before the Council when it made its decision or that any consultation has taken place on it. As the relocation of the proposed replacement telephone kiosk and advertisement materially alters the proposal that was before the Council, acceptance of the amended plan at this stage would potentially prejudice the interests of any interested parties. As such in reaching my decision I have not had regard to the amended site plan.

5. The site plan submitted with the application does not appear to accurately show the position of the existing telephone kiosk which is on the pavement in front of Bloomfield Court and not in front of 554 Holloway Road as shown on the site plan. However notwithstanding this I am satisfied that the submitted information together with information gathered at my site visit enables me to properly assess the impact of the proposal. I also note that the site address on the application form is 544 Holloway Road and is 552-554 Holloway Road on the Council's decision notice and on the appeal form. The latter is a more accurate site address and I have therefore used it in the heading above.
6. The Council's Officer Report states that the appeal site is not within a conservation area. However in the questionnaire submitted with the appeal the Council states that it is within a conservation area and has provided a plan of the Mercers Road/Tavistock Terrace Conservation Area (CA) which shows that the appeal site is within the CA. I have determined the appeal accordingly.

Main Issues

7. The main issues are the effect of the proposed advertisement on:
 - public safety;
 - the character and appearance of the area.

Reasons

Public Safety

8. The existing telephone kiosk is positioned towards the front edge of the pavement very close to a bus stop. The proposal is for an advertisement positioned 4000mm nearer to the bus stop than the existing kiosk. From the evidence before me it appears that this would position the advertisement close to the pavement edge adjacent to the area of the bus stop as marked out on the road. An advertisement in this position would be likely to impede passengers boarding and alighting from buses at the bus stop and this would be detrimental to pedestrian safety.
9. I note that concerns were also raised by Transport for London (TfL) regarding the distance of the kiosk and advertisement from the carriageway edge and also regarding the amount of clear footway. However the submitted information shows that the distance to the carriageway edge would be 700mm, above the minimum distance of 0.45m required by TfL and that the amount of clear footway would only be very slightly below the preferred width of 3.3m. Having regard to this I consider that there would be sufficient clear footway width for the safe and comfortable passage of pedestrians and that the advertisement would be sited sufficient distance from the kerb to ensure that vehicles could pass safely without being impeded.
10. I note that following concerns raised in relation to a previous application, the position of the advertisement has been amended to ensure that it would not face oncoming traffic. However notwithstanding this, taking the above matters into consideration, the proposed advertisement would be harmful to public safety. In reaching my decision I have had regard to policies DM2.6 and DM8.2 of Islington's Local Plan: Development Management Policies (DMP) which seek, amongst other things, to ensure that developments including advertisements do not cause a public safety hazard. Given that I have

concluded that the proposed advertisement would be harmful to public safety, the proposal conflicts with these policies.

Character and appearance

11. The appeal site comprises an area of pavement on Holloway Road, a wide and busy arterial route. Large scale buildings are located at the back edge of the pavement to the rear of the appeal site, most of which contain commercial uses at ground floor, a number of which appear to have internally illuminated fascia and projecting signs. The area immediately surrounding the appeal site is mainly commercial in character and as stated above, the site is located within the CA. At the time of my visit I noted a number of advertisements on bus shelters and telephone kiosks near to the site.
12. The proposed advertisement would form an integral part of a replacement telephone kiosk. It would be positioned on the pavement to the front of commercial premises and within a busy and predominantly commercial area. The Council's reason for refusal refers to the size, siting and inappropriate method of illumination of the proposed advertisement, however the Council's Officer Report provides very little detail regarding the Council's specific concerns and I note from the appellant's evidence that such advertisements have been allowed within conservation areas elsewhere within London.
13. The proposed advertisement would be viewed as part of a busy commercial location and notwithstanding its position within the CA its size and means of illumination would not be excessive or out of keeping when compared with other advertisements in the immediate surrounding area. Consequently it would not be harmful to the character and appearance of the area including the CA. In reaching my decision I have had regard to Policy CS9 of Islington's Core Strategy, policies DM2.1 and DM2.6 of the DMP and to relevant paragraphs of the National Planning Policy Framework. These policies seek, amongst other things, to protect heritage assets and development including advertisements to be well designed and to be sensitive to their siting and surrounding street scene. Given that I have concluded that the proposed advertisement would not be harmful to the amenity of the area, there is no conflict with these policies insofar as they relate to character and appearance.

Conclusion

14. The proposed advertisement would not be harmful to the amenity of the area but it would be harmful to public safety.
15. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR