
Appeal Decisions

Site visit made on 1 July 2019

by Roy Curnow MA BSC(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th August 2019

Appeal A Ref: APP/V5570/W/18/3209539

Goswell Road, O/S No 333 (Virgin Active Entrance), Islington, London EC1V 4NJ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by British Telecommunications plc against the decision of the Council of the London Borough of Islington.
 - The application Ref P2018/1155/FUL, dated 30 March 2018, was refused by notice dated 20 June 2018.
 - The development proposed is Installation of InLink (Associated removal of 2 BT payphones).
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Appeal B Ref: APP/V5570/H/18/3209315

Goswell Road, O/S No 333 (Virgin Active Entrance), Islington, London EC1V 4NJ

- 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 British Telecommunications plc against the decision of the Council of the London Borough of Islington.
 - The application Ref P2018/1290/ADV, dated 30 March 2018, was refused by notice dated 20 June 2018.
 - The advertisement proposed is Installation of InLink (Associated removal of 2 BT payphones).
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Decision

1. Appeal A is allowed and planning permission is granted for Installation of InLink (Associated removal of 2 BT payphones) at Goswell Road, O/S No 333 (Virgin Active Entrance), Islington, London EC1V 4NJ in accordance with the terms of the application, Ref P2018/1155/FUL, dated 30 March 2018, and the plans submitted with it, subject to the conditions in the attached schedule.
2. Appeal B is allowed and express consent is granted for the display of the advertisement as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations¹ and the additional conditions set out in the attached schedule.

Procedural Matter

3. As set out above there are two appeals on the same site. They both relate to the installation of an InLink structure: one concerns an application for planning permission for the structure and the other an application for consent for the

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007

advertisements it would carry. Although I have considered each proposal on its individual merits, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Main Issue

4. (i) The main issue in Appeal A is the effect of the proposed development on the character and appearance of the area, including its effects on the settings of heritage assets.
- (ii) The main issue in Appeal B is the effect of the proposal on visual amenity.

Reasons

5. The appeals' site lie on Goswell Road, a short distance to the southeast of the intersection between this road, City Road, Pentonville Road and Islington High Street. Each of these roads carry a great deal of traffic and the street scene is very busy.
6. The proposed InLink structure would stand some 2.9m high, have a width of 89cms and a depth of 28cms. Amongst its features, it would provide a range of free services to the public via an accessible tablet. It would also provide free Wi-Fi. These are public benefits that weigh in favour of the proposals. Two digital panels on its side elevations, measuring 1.21m by 69cms, would display advertisements. These advertisements would fund the free services provided by the InLink.
7. It would be located on the footway in front of 333 Goswell Road, a large contemporary building that takes up a considerable amount of road frontage. A Virgin Health centre fronts the road at ground floor level. This has a number of large windows onto the street, some with advertisements and others allowing a view to its facilities within. Above this is a mixture of four and five floors of what appears to be residential accommodation.
8. A further contemporary building with retail at ground floor and accommodation above lies to the northwest of No 333. Beyond this building lies the boundary of the New River Conservation Area (NRCA). Due to the curved nature of the upper end of Goswell Road, only a small area of footway and road that is within the NRCA is visible from the appeal site.
9. The Duncan Terrace/Colebrooke Row Conservation Area (DTCRCA) runs along the opposite side of Goswell Road from the site. Between this road and City Road, directly opposite No 333, there is a triangular area of land. This has a small area of public open space, which has a few trees, telephone kiosk and public seating. Adjacent to this, there is an octagonal building of utilitarian design and, at the north-western end of the triangle is an ornate four-sided clock. This is described as being 'locally listed' in the Officer's report.
10. The NRCA and DTCRCA are both designated heritage assets. Although I have been given little information regarding the clock, I consider it to be a non-designated heritage asset.
11. The footway along the stretch of Goswell Road in front of No 333 is fairly wide and has little in the way of street furniture. This is limited to a button control for a pedestrian crossing at its south-eastern end, a number of cycle stands and limited road signage, with traffic lights at its northwest end. It is not a cluttered scene.

12. By reason of its height and design, the proposed InLink structure would be different from any other feature in the local scene. However, it would not be seen as a harmful addition. There is space on the footway here to accommodate the proposed InLink without the footway appearing cluttered. It would be readily assimilated into the local scene.
13. There are advertisements on the Virgin Health centre. Some of its large display windows set aside wholly to advertisements and two at its entrance are illuminated. Those that the InLink would carry would draw attention but would be seen in this context. Given these and the vibrant street scene, subject to the use of conditions that are discussed below the advertisements would not harm the amenity of the area.
14. There is a very limited area of inter-visibility between the NRCA and the site of the proposed InLink. Given this and the intervening very busy scene, no harm to the setting of the NRCA or its significance would arise from the proposed InLink or its associated advertisements.
15. The InLink would be more readily seen from the DTCRCA. However, from here it would be seen through two lanes of the heavily-trafficked Goswell Road and against the backdrop of the contemporary No 333, with its large display windows at ground level. As such, neither the proposed InLink nor its associated advertisements would harm the setting or significance of the DTCRCA.
16. Given their relative positions, the InLink would only actually impede a view to the clock tower from an extremely limited area on Goswell Road. They would be seen in conjunction with one another, but their positions in the street scene, allied to traffic on Goswell Road, would ensure that the setting and significance of the clock, which contributes greatly to the character and appearance of the DTCRCA and the wider area, would not be harmed by the proposed InLink or its associated advertisements.
17. The two phone boxes that it is proposed to remove are situated some distance from the appeal site and are not visible from it. Their removal would have the benefit of less structures in their local streetscape, and I have no reason to object to their removal. However, as I have found that the proposals in both appeals are acceptable on their own merits, neither is reliant on the removal of those kiosks.

Planning Policy

18. Policy DM2.1 of the Local Plan Development Management Policies 2013 (the DMP) seeks development which respects and responds positively to existing buildings, the streetscape and the wider context. Its terms are reflected amongst those in Policy CS8 of Islington's Core Strategy (Core Strategy), February 2011. Core Strategy I have not identified a conflict with either policy. As the scheme would not harm the setting of the clock, it would accord with the terms of Core Strategy Policy CS9.
19. Policy DM2.6 of the DMP seeks advertisements which contribute to a safe and attractive environment, are sensitive to their environment and do not contribute to an unsightly proliferation or clutter of signage in the vicinity, and there would be no conflict with this. Policy DM2.7 of the DMP seeks to minimise the impact of telecommunications equipment, to avoid a detrimental effect on

the character or appearance of the area, and there would be no conflict with this.

20. I find also no conflict with policy 6.10 of the London Plan (the LP) in respect of securing a high quality pedestrian environment, nor with policy 7.4 of the LP, which seeks development which has regard to the form, function, and structure of an area. Policy 7.5 seeks high quality design with in the public realm, including in street furniture, and there would be no conflict with this.
21. The development would not conflict with the advice set out in the Islington Streetbook Supplementary Planning Document 2012 in relation to the siting of street furniture and avoidance of visual clutter; nor with that in the Islington Design Guide in relation to the design of streetscapes. Transport for London's Streetscape Guidance provides advice on the kind of advertisement panels which are inappropriate within conservation areas, as the advertisements are outside any conservation area, the proposal in Appeal B would not be in conflict with this.

Other Matters

22. I have taken the appeal decision regarding a site outside No 333 relating to a different form of kiosk into account. The Inspector dismissed this for reasons of its effects on users of the pavement and highway, which is not an issue here, but did not find that it would have an adverse effect on the character and appearance of the area.
23. In its consultation response, the Islington Society suggested that the Council use its power to refuse the applications on the basis of a lack of need. It did not raise need as an issue and I do not have sufficient evidence before me to find otherwise. The ability of the InLink to collect data and the nature of messages that it gives out are not matters for this appeal. I find similarly with regards to the questions as who uses the InLinks and for what purpose.

Conditions

24. With regards to Appeal A, the Council has suggested a number of conditions, which I have assessed against the guidance on the use of conditions in paragraph 55 of the Framework. The appellant has not commented on these but has suggested the use of a condition regarding the removal of the off-site phone boxes.
25. In addition to that setting out the statutory time limit, a condition requiring compliance with the approved plans is necessary in the interest of clarity. I do not find that condition 3 proposed by the Council is necessary, as this is a matter that is controlled under other legislation. Lastly, whilst I have no objection to the removal of the telephone kiosks at St John Street and Claremont Square, I have found that the erection of the proposed InLink would be acceptable on its own merits. Therefore, the Council's proposed condition 4 does not pass the test of necessity.
26. With regards to Appeal B, both main parties have proposed conditions, and I have taken these into account in my assessment. Again, this has been undertaken with reference to paragraph 55 of the Framework.
27. Of those proposed by the Council, I find that number 1, the matter of the owners' consent to display advertisements, is irrelevant to my decision. The

display of the advertisements on the InLink would not affect the matters referred to in the Council's proposed condition 2 or they are covered by other legislation, therefore this is unnecessary. The matters of amenity set out in proposed conditions 3, 4 and 5 can be controlled through other legislation, so are unnecessary here.

28. Both main parties agree on the use of a condition in the manner of the Council's proposed condition 6, but disagree on the intensity of illumination at night. The Council proposes 300 candelas per square metre, whereas the appellant proposes 600 candelas per square metre. The former is based on TfL guidance, the latter on The Institute of Lighting Professional's 'Professional Lighting Guide 05: The Brightness of Illuminated Advertisements'. I have not been given a copy of either document. However, given the more generalised use of the latter I have attached a slightly amended version of the Council's proposed condition using the appellant's figure. To avoid repetition, I have removed the reference to the static nature of the advertisement.
29. The terms of the Council's proposed conditions 7, 8 and 9 are reflected in the appellant's proposed conditions 2, 3 and 4, albeit the Council's are more detailed. I find that they are necessary on the grounds of amenity and highway safety and I have attached them to my decision.
30. The effect of the proposal on users of the footway and carriageway, in the Council's proposed condition 10, are matters that are covered by other legislation. The matter of the removal of the two kiosks, in the Council's proposed condition 11 is irrelevant to this advertisement appeal. It is a matter that has been addressed in the Appeal A.
31. I am not persuaded that condition 5 proposed by the appellant, relating to the resemblance of advertisements to highway signage, is necessary. In this regard, I note that this was not proposed by the Council nor was it requested by the Council's highways officers.

Conclusions

32. For the reasons given above, therefore, I conclude that both appeals should be allowed, and planning permission and advertisement consent granted.

Roy Curnow

INSPECTOR

APPEAL A – SCHEDULE OF CONDITIONS

1. The development hereby permitted shall begin not later than 3 years from the date of this decision.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: ISL-087-LP-V1; ISL-087-SP-V1; ISL-087—EP-V1; RM1-Location Plan-02072789317; and RM2-Location Plan-02078371017.

APPEAL B – SCHEDULE OF CONDITIONS

The following conditions are attached to this consent, in addition to the five standard conditions set out in the Regulations

1. The intensity of the illumination of the digital signs shall not exceed 2500 candelas per square metre during the day and 600 candelas per square metre from dusk until dawn. The levels of luminance on the digital signs shall be controlled by light sensors to measure the ambient brightness and dimmers to control the lighting output to within these limits.
2. The minimum display time for each advertisement shall be 10 seconds, the use of message sequencing for the same product is prohibited and the advertisements shall not include features/equipment which would allow interactive messages/advertisements to be displayed.
3. No visual effects of any kind to be permitted to accompany the transition between any two successive messages. The replacement image shall not incorporate any fading, swiping or other animated transitional method. Any sequential change between advertisements shall take place over a period no greater than one second.
4. Each advertisement shall be static. There shall be no special effects (including noise, smell, smoke, animation, exposed cold cathode tubing, flashing, scrolling, three dimensional, intermittent or video elements) of any kind during the time that any message is displayed.