



Appeal Decisions

Site visit made on 10 September 2019

by Helen O'Connor LLB MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 September 2019

Appeal A Ref: APP/V5570/W/18/3209546

**Outside No 44-46, The Steam Passage Tavern, Upper Street, Islington
N1 0PL**

- 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 P2018/1119/FUL, dated 29 March 2018, was refused by notice dated 20 June 2018.
 - The development proposed is described as the 'Installation of x1 InLink and the removal of x2 BT payphones from the wider area'.
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Appeal B Ref: APP/V5570/H/18/3209319

**Outside No 44-46, The Steam Passage Tavern, Upper Street, Islington
N1 0PL**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) 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 P2018/1301/ADV, dated 29 March 2018, was refused by notice dated 20 June 2018.
 - The development proposed is described as the 'Installation of x1 InLink and the removal of x2 BT payphones from the wider area'.
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Decision

1. Appeal A – The appeal is dismissed.
2. Appeal B – The appeal is dismissed.

Procedural Matters

3. I have taken the site address and description of development from the original application form used for both proposals but have amended the site address to reflect the conventional order. Appeal A seeks planning permission for the installation of an InLink telecommunications apparatus with digital display panel, which would be mounted on the pavement. Appeal B seeks advertisement consent for the display of 2 illuminated LED digital display screens within the apparatus.

Main Issues

4. The main issue for Appeal A is the effect of the proposal on the character and appearance of the area, with particular regards to the Angel Conservation Area.

5. The main issue for Appeal B is the effect of the proposed advertisements on the amenity of the area.

Reasons

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Character and appearance

6. The proposed development would be located centrally within The Angel Conservation Area (CA). The CA has the historic main thoroughfare of Upper Street at its core, and its significance derives in part from the wealth of historic buildings and historic stepped pavements some with intact historic paving. The mostly 2-4 storey historic buildings are generally commercial in character and mostly have narrow plots reflecting the evolution of this part of Islington over time. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
7. The section of Upper Street nearest to the appeal site comprises a wide stepped pavement adjacent to historic buildings attaining up to four storeys that have a rhythmic vertical emphasis. The mix of uses at ground floor level, including an outdoor seating area for the Steam Passage Tavern gives a vibrant character, which when combined with the regularly positioned street trees and cycle hoops along the outer edge of the footway, contributes positively to the character and appearance of the CA.
8. However, there is also a notable concentration of traffic signs, bins, lampposts, equipment cabinets and a variety of phone boxes within the vicinity of the appeal site. The amount and somewhat random spacing of some of the objects, cumulatively have a cluttered appearance that detracts from the character and appearance of the CA.
9. The proposal would comprise a tall, freestanding, structure with 2 x illuminated LED screens of a contemporary design which would be sited between existing cycle hoops and a red telephone box of more traditional design. Although it would broadly align with the position of most existing street furniture, its placement at the outer edge of the pavement, combined with its size and illumination would result in it being unduly prominent in the street scene.
10. In addition, it would further disrupt the rhythm of the reasonably regular spacing of the nearby street trees and cycle hoops. The introduction of further telecommunications apparatus of a different design contrasting with the variety of telecommunication equipment already present, would be visually incoherent and would unacceptably add to the street clutter at a prominent position within Upper Road. Moreover, due to its height¹ it would partially conceal some views of the street trees to the south west, diminishing their softening effect.
11. Taking these factors together, the proposal would be harmful to the significance of the CA as a designated heritage asset and would therefore, fail to preserve or enhance its character and appearance. However, in light of the relatively modest scale of the proposal, this would be less than substantial harm.

¹ 2.9m

12. Paragraph 196 of the National Planning Policy Framework (the Framework) states that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. The proposal would contribute towards the provision of modern communications infrastructure for the public which is generally supported by paragraphs 92 and 112 of the Framework and policy 4.11 of The London Plan, March 2016 (TLP). Nevertheless, in light of the statutory duty and national policy, great weight² is given to the harm to the CA and therefore, the public benefits would not outweigh the harm I have identified.
13. I acknowledge that Islington's Conservation Area Design Guidelines, Revised Version, January 2002 does not rule out the use of modern materials for new buildings. However, the document also refers³ to street furniture making a contribution to the character and appearance of the area stating that the existing quality is variable and could be greatly improved to enhance the historic buildings. Furthermore, the choice of material would not overcome the harm resulting from the proliferation of street furniture.
14. The presence of other modern structures within the wider street scene including conventional telephone kiosks, fascia signage and bus shelters with digital advertising screens, generally contribute towards the visual clutter within the street, and therefore, would not justify further such development. I am referred to an approval⁴ for an InLink unit within the CA, however this is some considerable distance to the south of the appeal site, and based on the limited evidence provided, is likely to have a different context to the proposal before me. As such, it is of limited weight and in any event, I have considered the proposal on its own merits.
15. The appellants point to the removal of two existing telephone kiosks within other conservation areas, outside 113 Liverpool Road and at Prebend Street, respectively. I am referred to an appeal decision⁵ where a 'Grampian' condition was accepted as a suitable mechanism to secure the removal of such objects. I acknowledge that individually the removal of the specified telephone kiosks may lead to the enhancement of other conservation areas. However, they are both some considerable distance from the appeal site, and therefore would not be seen within the same views. As such, the improvements are too remote from the harm identified to adequately mitigate for it and therefore, these measures would be insufficient to address the degree of harm to the significance of the CA.
16. It further follows that such a Grampian condition would fail at least one of the tests set out in Paragraph 55 of the Framework such that conditions should be relevant to the development permitted.
17. I have had regard to Part E of Transport for London's Streetscape Guidance, Third Edition 2017, Revision 1 which states that internet pylons similar to the proposal, would be generally appropriate in popular tourist destinations and in busy office and retail areas⁶ in London. However, this comment is of a general nature and does not consider the detailed circumstances and context of the

² Paragraph 193, National Planning Policy Framework

³ Paragraph 18.29

⁴ Outside Regents House, 42 Islington High Street

⁵ Reference APP/V5570/W/18/3209567 & APP/V5570/H/18/3209393 dated 14 February 2019

⁶ Page 242

proposal, which I have considered on its own merits based on the evidence before me.

18. Accordingly, I find that the proposal would result in unacceptable harm to the character and appearance of the area, and furthermore would result in harm to the significance of the CA as a designated heritage asset. Therefore, the proposal would conflict with policies CS8 and CS9 of Islington's Core Strategy, February 2011 (CS) which, amongst other matters, seeks to enhance the public realm and protect the historic environment. In addition, it conflicts with policies DM2.1, DM2.3, DM2.6 and DM2.7 of Islington's Local Plan: Development Management Policies, June 2013 (ILP) which when taken in combination, seek to achieve high quality design that maintains and enhances the character of the area.
19. For similar reasons the proposal would be contrary to policies 6.10, 7.4, 7.5 and 7.8 of TLP which, amongst other matters, seek development that positively contributes to the local character of the area and enhances the public realm including the built and historic environment.
20. I have also had regard to Islington's Urban Design Guide Supplementary Planning Document, January 2017 which seeks to protect and improve the character and appearance of the public realm and Islington's Streetbook Supplementary Planning Document, October 2012 which seeks to rationalise and reduce street furniture and protect an area's local character.

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Amenity

21. Paragraph 132 of the Framework indicates that advertisements should be subject to control only in the interests of amenity and public safety. The proposed advertisements comprise 2 x illuminated LED screens measuring approximately 1.22m x 0.79m set within the InLink structure.
22. For similar reasons to those already outlined in relation to the consideration of the character and appearance for Appeal A, the siting, size and illumination of the proposed advertisements would be unduly prominent in the street scene and would adversely add to visual clutter in the street.
23. I accept that the proposed luminance levels would accord with the industry recommendations and might be similar to digital advertising seen elsewhere in the borough. Nevertheless, the introduction of additional illuminated advertisements, with sequential images at this prominent location, would draw the eye, markedly contrasting with the more reserved street furniture in the immediate vicinity. As a result, the proposal would have a discordant and harmful impact on the visual appearance of the area. Neither the presence of larger advertisements on existing bus shelters some distance to the south, nor the partial screening of the advertisements from street trees would fully overcome this harm.
24. As a result, the proposal would fail to preserve or enhance the character and appearance of the CA. The statutory duty referred to above applies in advertisement appeals in so far as it relates to the consideration of amenity.
25. In accordance with Regulation 3 of the Regulations I have taken into account policies CS8 and CS9 of the CS, policies DM2.1, DM2.3, DM2.6 and DM2.7 of

the ILP and policies 6.10, 7.4, 7.5 and 7.8 of TLP. These policies seek to ensure, amongst other matters, that development, does not adversely affect the visual appearance of the local area and in particular, the quality of the historic environment. As such, they are material to the consideration of amenity. Given that I have concluded the proposal would be harmful to the character and appearance of the area and the significance of the CA, the proposal conflicts with these policies.

26. Accordingly, I find that the advertisement would be harmful to the amenity of the area and would be contrary to the provisions of paragraph 132 of the Framework.

Conclusion

27. For the reasons given above, I conclude that both appeals should be dismissed.

Helen O'Connor

Inspector