



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/18/3209541

Opposite No.21 Waitrose, O/S Angel Central Gap, Liverpool Road, Islington, London N1 0PS

- 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 P2018/1156/FUL, dated 30 March 2018, was refused by notice dated 20 June 2018.
 - The development proposed is described as the "installation of an InLink (associated removal of 2 BT payphones)".
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Appeal B Ref: APP/V5570/H/18/3209316

Opposite No.21 Waitrose, O/S Angel Central Gap, Liverpool Road, Islington, London N1 0PS

- 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 P2018/1296/ADV, dated 30 March 2018, was refused by notice dated 20 June 2018.
 - The development proposed is described as the "installation of an InLink (associated removal of 2 BT payphones)".
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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 issues for Appeal A are the effect of the proposal on the pedestrian environment and the character and appearance of the area.
5. The main issue for Appeal B is the effect of the proposed advertisements on public safety. However, in order to avoid duplication, I have considered this together with the impact on the pedestrian environment for Appeal A.

Reasons

Pedestrian environment and Public safety

6. The section of Liverpool Road nearest the appeal site is a busy urban street, close to the main entrance to the Angel Central shopping area, with significant levels of vehicular and pedestrian traffic. Aside from a lamp standard, the footway at this point on the eastern side of Liverpool Road is generally clear of street furniture allowing a central clear unambiguous route for pedestrians turning into, or out of the adjacent shopping area entrance.
7. The dimensions¹ of the proposed InLink apparatus combined with its positioning set slightly in from the kerb but across the footway, would reduce the available space for pedestrian movements on the outer portion of the pavement. Furthermore, as the user interface is located on the side of the structure facing the inner section of the pavement, people using the apparatus would stand adjacent to it such that the width of available pavement would be further limited.
8. Part E of Transport for London's Streetscape Guidance, Third Edition 2017, Revision 1 gives specific guidance in relation to the recommended width of pavements in relation to open sided telephone boxes. This suggests that a minimum footway width of 4.2m is required to accommodate such structures but that designers should also consider pedestrian flows to determine appropriate placement.
9. I accept that the proposed InLink apparatus would not have the same width or footprint as the ST6 telephone box in the example shown in the guidance. Moreover, the guidance acknowledges that internet pylons similar to the proposal, would be generally appropriate in popular tourist destinations and in busy office and retail areas² in London. Nevertheless, considering the likely combined width of the InLink structure and user, in the absence of more specific guidance, the recommendations in relation to open sided telephone boxes would be relevant to the consideration of the likely impact of the proposal.
10. Although the submitted drawing³ indicates the width of the footway near to the appeal site is 4.38m, this includes a section adjacent to the shopping area which is in private ownership. The Council indicates that the width of the public footway is 3.4m and I have not seen evidence to suggest otherwise. The building line at this point is irregular and a pedestrian walking southwards close to the building edge would have their route impeded by a shopfront within a short distance. The presence of stairwells overhead may further deter

¹ 2.9m height, 0.89m width and 0.28m depth

² Page 242

³ Existing and proposed site plan ISL-088-SP-V1

pedestrians from walking close to the building line. In addition, although the shop unit adjacent to the appeal site was undergoing refurbishment works at the time of my site visit, I observed that the area closest to the building is differentiated from the main footway by a variation in the paving signifying a boundary. As such, it would be likely that pedestrians would opt to use the more central unambiguously clear route.

11. There is little evidence to support the appellants' assertion that it would be highly unlikely that the privately-owned area would become inaccessible to the public. Moreover, the appellants' suggested condition that the InLink apparatus be removed should this come to pass, would not fully overcome the range of factors I have identified.
12. Both parties refer to other appeal decisions⁴ which concerned proposals where parts of the pavement near to the appeal proposal was not entirely in public ownership. However, based on the limited information provided, I am not able to make a meaningful comparison with the proposal before me, which in any event, I have determined on its own merits.
13. Taking these factors together, the position of the proposed apparatus would notably restrict the width of the pavement, which given the nearby entrance to the adjacent shopping centre, is in an area of significant pedestrian activity. In seeking to circumvent the apparatus when in use, at times of heavy pedestrian flow, it is foreseeable that some pedestrians may step into the road to circumvent the obstacle. Therefore, it would unacceptably inhibit pedestrian flow, convenience and increase the risk to public safety.
14. This would conflict with some of the objectives⁵ set out in relation to the placement of street furniture in Islington's Streetbook Supplementary Planning Document, October 2012. In reaching this conclusion I have given considerable weight to the comments of the Highway Authority who objected to the proposal, given their expertise and local knowledge. Moreover, the proposal to remove two telephone kiosks on the opposite side of Liverpool Road would do little to address the harm identified on the eastern side as a result of the proposal.
15. I accept that the intervening distance combined with the static, albeit sequential, display of the proposed advertisements would prevent them from distracting vehicle drivers approaching the pedestrian crossing on Liverpool Road, south of the appeal site. Nevertheless, this would not overcome the harm to pedestrians I have identified.
16. Accordingly, I find that the proposal would unacceptably harm the pedestrian environment and would therefore, conflict with policies CS8 and CS9 of Islington's Core Strategy, February 2011 (CS) which, amongst other matters, seek public realm development that enhances pedestrian routes and promote high quality urban design. In addition, it conflicts with policies DM2.1, DM2.6, DM8.2 and DM8.4 of Islington's Local Plan: Development Management Policies, June 2013 (ILP) which when taken in combination, seek to prevent poorly sited development that conflicts with pedestrian movement through an area and looks to encourage improvements in the quality and convenience of the walking environment.

⁴ APP/V5570/W/17/3172676 & APP/N5660/W/18/3199793

⁵ Page 74

17. For similar reasons the proposal would be contrary to policies 6.10 and 7.5 of The London Plan, March 2016 (TLP) which, amongst other matters, seek a significant increase in walking by promoting high quality pedestrian environments and the easy movement of people through the space.
18. Furthermore, in relation to Appeal B, I find that the location of the proposed advertisements would adversely affect public safety and would therefore, be contrary to the provisions of paragraph 132 of the Framework.

Character and appearance

19. The proposal would be located on the eastern side of Liverpool Road which is a busy main thoroughfare, with tall commercial buildings comprising a variety of ages and styles. The built form closest to the appeal site is part of a modern retail centre. The section of Liverpool Road nearest to the appeal proposal has street furniture comprising mostly of bollards and lamp standards that have a coherent and muted appearance deferring to the presence of the sculpture at the entrance to the shopping centre. However, this contrasts with a more cluttered appearance directly opposite the appeal site, which currently includes two telephone kiosks, cycle hoops, litter bin, lampposts, road signage and planters.
20. The InLink apparatus would comprise a tall, freestanding, unit of a contemporary design, incorporating illuminated LED screens. Although its placement at the outer edge of the pavement, combined with its size and illumination would have some prominence in the street, it would be read against large scale modern buildings. This would assist in assimilating the development into the street scene such that it would not appear unduly cluttered.
21. Furthermore, the illumination of the proposed InLink apparatus would be in keeping with the level and scale of illumination associated with the modern shopfronts and signage directly adjacent.
22. Although not within a conservation area, the appeal site is within 50 metres of the Chapel Market/Baron Street Conservation Area (CA), the nearest edge of which is located to the south west of the appeal site. The significance of the CA derives in part from the historic presence and development of the street market. The modest scale of the proposal, separation distance, and presence of other built form restricting significant inter-visibility is such that the proposal would not have a harmful impact on the surroundings in which the CA is experienced, and therefore would not affect its setting.
23. The removal of two existing telephone kiosks on the opposite side of Liverpool Road close to the appeal site would reduce the overall clutter on the western side of the road. As they would otherwise be seen within views with the proposed development, this would rationalise the amount of street furniture in the immediate area and mitigate to an extent, against the visual impact of the proposal. The Council welcomes the removal of the telephone kiosks⁶. Nevertheless, they assert that in the absence of a planning obligation, their removal could not be secured.

⁶ Paragraph 29 Officer delegated report

24. However, the telephone kiosks are owned by the appellants and are adequately identified on the submitted plans⁷ within the planning application, and as such, would be sufficiently precise and enforceable to meet the tests set out in Paragraph 55 of the National Planning Policy Framework (the Framework).
25. Furthermore, I am provided with an appeal decision⁸ and an example of a Council decision⁹ where a 'Grampian' condition has been used to secure the removal of existing kiosks prior to the provision of an approved InLink structure, which carry considerable weight. In addition, the evidence does not show that there is no realistic prospect of the telephone kiosks being removed as the Council suggests but rather the contrary. I am therefore satisfied that, a condition could secure the visual mitigation provided by the removal of the requisite telephone kiosks, and that this could be required prior to the appeal proposal being installed.
26. Accordingly, I find that the proposal would not result in unacceptable harm to the character and appearance of the area, and in this regard would accord with the relevant parts of policies CS8 and CS9 of the CS, and policies DM2.1, DM2.6 and DM2.7 of the ILP, and policies 6.10, 7.4 and 7.5 of TLP which, amongst other matters, seek to ensure that development achieves a high quality of appearance that maintains and enhances the character of the area.
27. I have also had regard to Islington's Urban Design Guide Supplementary Planning Document, January 2017 and find that the proposal in terms of its character and appearance, would accord with advice in that document which seeks to protect and improve the appearance of the public realm.

Other matters

28. In relation to Appeal A, I have had regard to paragraphs 92 and 112 of the Framework and the support given for development that provides for community needs, and specifically in relation to high quality and reliable communications infrastructure, which is further supported by policy 4.11 of TLP. My attention has also been drawn to the general community benefits that the InLink network would bring. Nevertheless, the appeal proposal relates to a single piece of telecommunications apparatus within a wider programme. As such, the benefits arising from one such InLink structure would be modest and therefore, carries limited weight. This does not outweigh the harm in relation to the pedestrian environment and public safety and consequently, would not lead me to a different conclusion.

Conclusion

29. Although I have not found harm in relation to the impact of the proposal on the character and appearance of the area, unacceptable harm would result to the pedestrian environment and public safety. Therefore, for the reasons given above, I conclude that both appeals should be dismissed.

Helen O'Connor

Inspector

⁷ Proposed site plan ISL-088-SP-V1

⁸ Reference APP/V5570/W/18/3209567 & APP/V5570/H/18/3209393 dated 14 February 2019

⁹ Reference P2017/0573/ADV