
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: 18 September 2019

Appeal A Ref: APP/V5570/W/18/3209579

Caledonian Road, Outside junction of Freeling Street, Islington N1 1EF

- 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 P2018/1259/FUL, dated 29 March 2018, was refused by notice dated 4 July 2018.
 - The development proposed is described as the 'Installation of x1 InLink'.
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Appeal B Ref: APP/V5570/H/18/3209527

Caledonian Road, Outside junction of Freeling Street, Islington N1 1EF

- 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 P2018/1133/ADV, dated 29 March 2018, was refused by notice dated 4 July 2018.
 - The development proposed is described as the 'Installation of x1 InLink'.
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Decision

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

Procedural Matters

3. Notwithstanding subsequent variations to the site address and description of development used in the respective decision notices and appeal form, I have taken the site address and description of development from the original application form used for both proposals. 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 Barnsbury Conservation Area.

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

Reasons

Appeal A: APP/V5570/W/18/3209579

Character and appearance

6. The appeal proposal would be located on the western edge of Barnsbury Conservation Area (CA) which covers a sizeable section of the borough, and its significance derives in part from the architectural quality and sequence of squares and terraces reflecting a predominantly late Georgian and early Victorian phase of growth. Although comprising mostly of residential development, Islington's Conservation Area Design Guidelines, Revised Version January 2002 refers¹ to shop frontages within the CA as having historic charm, which makes a positive contribution to the overall ordered character and appearance of the CA. 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 Caledonian Road nearest to the appeal site comprises a busy thoroughfare flanked by historic terraced buildings generally attaining three storeys, with commercial uses at ground floor level. The alignment of the road allows for relatively long views in both directions of Caledonian Road. There is a regularity to the rhythm and scale of the building plots and shopfronts, and their relationship with the street. Taken in combination with the nearby mature street trees and architectural detailing seen particularly in the upper floors of the buildings, this results in a pleasant vibrant urban character.
8. Nevertheless, some of the shop fronts are modern with sizeable signs, and on the western side of Caledonian Road nearest the appeal site, there are lampposts, various highway sign posts, a litter bin, cycle stand hoops and a modern bus shelter. Although there is some visual coherence gained where the objects are finished in black, this is not universally the case, and is undermined by the somewhat disorganised spacing of the street furniture. Overall, the accumulation and positioning of the structures and modern signage has a discordant effect on 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 on the newly pedestrianised area adjoining Freeling Street. The height² of the structure combined with its positioning towards the outer edge of the footway and absence of street trees at this point, would give it a particularly conspicuous position within the street scene which would affect longer views along Caledonian Road.
10. The height and width of the apparatus would give it a greater solidity than the nearby lampposts and signage posts. In addition, a considerable proportion of the structure would be illuminated which would exacerbate its prominence and would contrast markedly with the generally more muted street furniture nearby. Furthermore, due to the siting of the InLink structure comparatively

¹ Paragraph 10.7

² 2.9m

- close³ to the bus shelter to the south, it would be seen in views with the shelter and the sense of space within the street would be adversely diminished.
11. Taking these factors together, the proposal would be visually incoherent unacceptably adding to the street clutter at a prominent position within Caledonian Road. It follows that it 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.
 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 weight⁴ is given to the harm to the CA and therefore, the public benefits would not outweigh the harm I have identified.
 13. The presence of other modern elements and signage within the street scene highlighted by the appellants, including the nearby bus shelter, generally do little to preserve or enhance the character of the CA, and would therefore, not represent reasons to justify further such development.
 14. I am referred to a separate Council decision refusing⁵ permission for an InLink unit where the proposal was considered to result in visual clutter due to the absence of street furniture, and the appellant considers that their approach is therefore contradictory in this case. However, this is some considerable distance from the appeal site, and therefore has a different context to the proposal before me. As such, it is of little 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 outside Selkirk House in Bingfield Street, some distance to the south west of the appeal site. I am referred to an appeal decision⁶ where a 'Grampian' condition was accepted as a suitable mechanism to secure the removal of such objects. I accept that the removal of the objects may lead to the enhancement of the immediate vicinity. However, they are located some distance from the appeal site, and due to the intervening buildings would not be seen within the same views. Moreover, they are located outside of the CA. As such, any improvements would be 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.

³ 8.23m on drawing ISL-115-SP-V1

⁴ Paragraph 193, National Planning Policy Framework

⁵ Reference P2018/1130, APP/V5570/W/18/3209547

⁶ Reference APP/V5570/W/18/3209567 & APP/V5570/H/18/3209393 dated 14 February 2019

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 areas⁷ in London. However, this comment is of a general nature and does not consider the detailed circumstances and context of the 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.

Appeal B: APP/V5570/H/18/3209527

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 illuminated advertisements, with sequential, albeit static, images at this prominent location, would draw the eye, making the effect of the proposal particularly pronounced. Notwithstanding, the presence of poster advertising on bus shelters approximately 60m to the south and approximately 150m to the north⁸, based on my observations and the evidence presented, there is little illuminated digital advertising close to the

⁷ Page 242

⁸ Page 6 Appellants' final comments

- appeal site. As a result, the introduction of 2 LED display panels would have a discordant and harmful impact on the visual appearance of the area.
24. Therefore, 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