
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: 2nd October 2019

Appeal A Ref: APP/V5570/W/18/3209572

**Old Street, O/S No. 30, (Consentino), Opp No. 41, Islington,
London EC1V 9QQ**

- 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 P2018/1151/FUL, dated 29 March 2018, was refused by notice dated 20 June 2018.
 - The development proposed is Installation of an InLink (associated removal of 2 BT payphones).
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Appeal B Ref: APP/V5570/H/18/3209471

**Old Street, O/S No. 30, (Consentino), Opp No. 41, Islington,
London EC1V 9QQ**

- 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 P2018/1272/ADV, dated 29 March 2018, was refused by notice dated 20 June 2018.
 - The advertisement proposed is Installation of an InLink (associated removal of 2 BT payphones).
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Decision

1. Appeal A is dismissed and Appeal B is dismissed.

Procedural Matter

2. There are slight differences between the descriptions of development and the addresses on the application form and those on the decision notices and appeal forms. I have used those from the application form in my header.
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 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 heritage assets and their settings.
5. (ii) The main issue in Appeal B is the effect of the proposal on visual amenity.

Reasons

6. The site for the appeals lies on Old Street, which here is fairly busy, a short distance from its junction with Goswell Road. This part of Old Street is characterised by buildings of 4- and 5-storeys, some of which, including that adjacent to the appeal site, are contemporary in design. They are largely used for commercial purposes, with a number having retail and café/take-away uses fronting the road on their ground floors with office space above. Although it has a mixture of uses, I would not describe this as a commercial high street setting.
7. The site lies within the St Luke's Conservation Area (SLCA), and the Hat and Feathers Conservation Area (HFCA) lies a short distance away. 20-24 Old Street, which lies immediately southwest of the appeal site, is a Grade II listed building that adds greatly to the street scene. 12 Old Street that lies a little further away is also a Grade II listed building. The Grade I listed St Luke's Church lies some distance to the northeast along Old Street. All are designated heritage assets.
8. Amongst the terms of Council guidance¹ on development within the SLCA is its aim to "bring about a general improvement to the quality of streets and public spaces within the area".
9. 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.
10. This form of development is supported in principle by London Plan Policy 4.11 and Policy DM2.7 of Islington's Local Plan: Development Management Policies, June 2013 (LP). Support in the latter is subject to, amongst other things, their being sited and designed to minimise their visual impact and that they would not have a detrimental effect upon the character or appearance of the area. Amongst the guidance on telecommunications equipment in paragraphs 5.189-5.191 of the Islington Urban Design Guide is that particular care needs to be taken to ensure their size, height and positioning does not dominate the surrounding public realm.
11. There is a limited amount of street furniture close to the appeal site. This includes a bus stop a short distance to the southwest. Taken individually or cumulatively, these features have little effect on the street scene. This and the generous width of the pavement, play an important role in providing an open street scene that allows relatively unobstructed views to the buildings at the

¹ Islington's Conservation Area Design Guidelines, January 2002

rear of the footway. It is the type of street scene that Policy CS8 of Islington's Core Strategy, February 2011 (CS) identifies as a key asset to the borough that should be maintained.

12. The statutory duty², with respect to development proposals in a conservation area, is that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area. A similar statutory duty³ exists with regards to the settings of listed buildings. Paragraph 200 of the National Planning Policy Framework (the Framework) sets out that proposals that preserve those elements of the setting that make a positive contribution to, or better reveal the significance of, the asset should be treated favourably.
13. Locally, these requirements are reflected amongst the terms of Policies 7.4, 7.5 and 7.8 of The London Plan, March 2016 (London Plan), CS Policy CS9 and Policy DM2.3 of Islington's Local Plan: Development Management Policies, June 2013 (Local Plan). Section 8.2 of the Islington Streetbook Supplementary Planning Document, October 2012, (Streetbook) advises on the placement of street furniture. Amongst its objectives is the requirement to respect, conserve and enhance the historic environment.
14. As Old Street is relatively straight here, and the site is close to the junction with Goswell Road, the site is seen over some distance. This, allied to its height, mean that the proposed InLink would be quite obvious in the street scene. The uncluttered nature of the street scene would emphasise the prominence of the InLink. In this setting, it would appear monolithic and would have a prominence and that would be at odds with, and have a harmful effect on, the street scene in this part of the SLCA.
15. The InLink would be very close to the Grade II listed Nos 20-24 Old Street and would undoubtedly be within its setting. By reason of its height and design, it would draw the eye and detract from the eminence of that building in the street scene. The InLink would, thus, cause harm to its setting.
16. It would be further removed from No 12 Old Street and would not have a harmful effect on its setting. Its Grade I listing underlines the importance of protecting the setting of St Luke's Church. However, it is some way from the site and intervening four-storey buildings mean that it is not seen from the site. The setting of this important building would be unaffected by the proposal. The degree of separation from the HFCA is such that its setting would not be harmed.
17. Although aligned in an orderly manner with those items of street furniture in the vicinity of the site, neither this, the width of the footway, nor the contemporary nature of some of the buildings in the area would mitigate the harm that would result.
18. On this issue, I conclude that the proposal would neither preserve nor enhance the character or appearance of the SLCA, nor the setting of the Grade II listed 20-24 Old Street. It would, therefore, fail the statutory tests, and be contrary to CS Policy CS9, London Plan Policies 7.4, 7.5 and 7.8, Local Plan Policy DM2.3 and Islington's Conservation Area Design Guidelines, January 2002.

² Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990

³ Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990

19. In addition, the proposal would not represent high quality design that would respect the street scene, as required by Local Plan Policy DM2.1 and DM2.7, London Plan Policy 6.10, CS Policy CS8 and section 8.2 of the Streetbook.
20. As it relates to advertisements, Local Plan Policy DM2.6 is not relevant to Appeal A.
21. The statutory duties are a matter of considerable importance and weight. The proposal would have a negative effect on the significance of a designated heritage asset but would only affect its immediate surroundings and as such would result in "less than substantial" harm in the words of the Framework.
22. As set out in the Framework, where a proposal would result in 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 free services that the InLink would provide to the public would undoubtedly be beneficial.
23. It is put forward that two telephone boxes, one on Old Street and another on Lever Street would be removed as part of the proposal. The former is relatively close-by, but the latter is a considerable distance from the appeal site and not seen from it. Neither are within the SLCA. Their removal, which I have been given no reason to object to, would provide only limited benefit. Given my findings on the limited benefits of removing these kiosks, I need not opine on the efficacy of the condition that is proposed to secure their removal.
24. These public benefits would not outweigh the harm that I have identified to the character and appearance of the SLCA and the setting of the Grade II listed 20-24 Old Street.

Conclusion

25. For the above reasons, and having taken all other matters into account, Appeal A is dismissed.

Reasons

Appeal B

26. Each side of the proposed InLink would display digital advertisements. These advertisements would be static, and their levels of luminance would accord with the recommended levels within the Institute of Lighting Professional Technical Report 5. The latter has, reportedly, been used elsewhere within the borough.
27. There is a limited amount of advertising in the local street scene and this is restrained. Fascia advertisements above shops and café/takeaways appeared to be either non-illuminated or subtly externally illuminated. The bus stop to the southwest of the site has a digital advertisement within it. Although larger than those which are proposed here, it is at a lower level than them and is not prominent in the street scene.
28. The proposed advertisements would be at a considerable height above ground level and would be at odds with the restrained advertising in the area. Those on the InLink would be far more prominent and eye-catching than the existing advertisements, which would not, therefore, provide mitigation for the ill-effects that would arise to the area's visual amenity.

29. As set out in the Regulations, factors relevant to amenity include the general characteristics of the locality, including the presence of any feature of historic, architectural or cultural features, consideration should be given to whether it is in scale and in keeping with these features. In this regard, the proposed advertisements would be incongruous and would have an adverse effect on the SLCA and setting of the Grade II listed 20-24 Old Street.
30. For the reasons set out above, I conclude that the advertisements would have a harmful effect on visual amenity. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material. Amongst their terms, CS Policies CS8 and CS9 and LP Policies DM2.1, DM2.3 and DM 2.6 refer to the protection of amenity in a manner relevant to this case. I have concluded that the advertisements would harm amenity, and therefore the appeal proposal conflicts with these policies.

Conclusions

31. For the above reasoning, and having taken all other matters into account, Appeal B is dismissed.

Roy Curnow

INSPECTOR