



Appeal Decision

Site visit made on 1 September 2020 by C Brennan BAE (Hons) M.PLAN

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 September 2020

Appeal Ref: APP/V5570/Z/20/3251825

154 Canonbury Road, Islington, London N1 2UP

- 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 Daylite LED Media Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2020/0466/ADV, dated 12 February 2020, was refused by notice dated 8 April 2020.
 - The advertisement proposed is replacement of existing advertisement with smaller LED digital advertisement.
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Decision

1. The appeal is allowed and express consent is granted for replacement of existing advertisement with smaller LED digital 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 Regulations and the following additional conditions:
 - 1) The intensity of the luminance of the advertisement hereby granted consent shall be no greater than 450 candela per square metre during daylight hours and shall be no greater than 100 candela per square metre during evening/night time hours. The advertisement shall be equipped with a dimmer control mechanism and a photo cell which shall constantly monitor ambient light conditions and adjust brightness accordingly.
 - 2) Images displayed on the approved advertisement shall not change more frequently than once every 30 seconds.
 - 3) The advertisement shall not display any flashing, moving or apparently moving images, and the complete screen display must change instantly between advertisements.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed advertisement on the amenity of the area.

Reasons for the Recommendation

4. The appeal site comprises a two-storey property on Canonbury Road, on the eastern side of Highbury Corner. A 48-sheet advertising billboard is affixed to
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the south-facing flank wall of the appeal property and is highly visible within public views from the south and southwest. The surrounding area is predominantly commercial. The site is situated within the Canonbury Conservation Area and lies a short distance to the north of the Upper Street (North) Conservation Area.

5. I accept the Council's argument that, despite its smaller size and shallower depth relative to the existing signage, the proposed replacement advertisement would have a prominent, eye-catching appearance as it would be internally illuminated and would feature multiple digital images that would each be displayed sequentially over time. However, given the markedly commercial nature of the surrounding environment, I do not consider that the proposed advertisement, based entirely on its own merit, would appear particularly incongruous within this context. Moreover, due to its limited size and positioning within the flank wall, the proposal would not obscure any particular feature of interest of the appeal property and so would have a neutral effect on its character and appearance. I therefore consider that the proposal would have an acceptable effect on the amenity of the area.
6. The Council has drawn my attention to an approved application, Ref P2017/2936/FUL, which involves the erection of new residential blocks around Dixon Clark Court to the immediate south of the appeal site. I note that the appeal site would lie opposite a large landscaped garden area approved under this application. However, within the large size of this garden area, the proposed advertisement would be in its far north-western corner and so not appear particularly prominent. Furthermore, from the limited evidence before me, it is likely that long views of the proposal from within the garden would be at least partially screened by trees and so its limited impact on amenity would be further mitigated. As such, I do not consider that the proposal would unduly detract from the amenity of this outdoor area and so I therefore consider that the proposal would be acceptable in this regard. Notwithstanding that, as the permission appears yet to be implemented, I can give little weight to what may happen in future on that site and must primarily consider the proposal in its current context.
7. I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider whether the proposed advertisement would preserve or enhance the character or appearance of the Canonbury Conservation Area. Conservation of designated heritage assets and their setting is also given special emphasis in the National Planning Policy Framework. Having identified that the advertisement would not harm the amenity of the site and surrounding area, I find that it would thereby preserve the distinctly commercial character and appearance of this part of the Canonbury Conservation Area and have little impact on its wider significance given the small scale of the proposal. It would also respect the setting of the Upper Street (North) Conservation Area due to the distance between the sign and that conservation area.
8. For the above reasons, I conclude that the proposed advertisement would not cause harm to the amenity of the area. Insofar as it relates to amenity, I have taken into account Policy CS9 of the Islington Core Strategy 2011, which states that high quality architecture and urban design are key to enhancing and protecting Islington's built environment. I have also taken Policies DM2.1, DM2.3 and DM2.6 of the Islington Development Management Policies 2013 into

account, which require, amongst other things, that local character and distinctiveness should be prioritised, that the Council will ensure that the borough's heritage assets are conserved and enhanced in a manner appropriate to their significance, and that advertisements are required to be of the highest possible standard and contribute to an attractive environment.

9. I have taken the NPPF into account, which states that the quality of places can suffer when advertisements are poorly designed.
10. I have also taken the Islington Urban Design Guide 2017 into consideration, which promotes design which clearly relates and responds to the setting of a site and its wider context.
11. Given that I have concluded that the proposal would not be harmful to visual amenity, the proposal would comply with these policies.

Other Matters

12. I note that the Council has expressed concern about the effect of the proposal on public safety, with specific reference made to northbound traffic along Canonbury Road. However, conditions could be attached to limit brightness, ensure that displayed images would not change at such a rate that they would distract road users, ensure that displayed images would be static and that the transition between images would be instantaneous. With these conditions, it would be unlikely that the proposal would be so distracting that it would create a hazard to, or endanger, people's safety.

Conditions

13. I have considered the requirements of the planning practice guidance and the Framework in respect of conditions. In addition to the five standard conditions set out in the Regulations, I have imposed conditions relating to the advert's brightness, the length of the display of a single image, the transition between images and the content of the advert, as offered by the appellant in their evidence. These are necessary in the interests of the safety of users of the public highway and to protect the amenity of the site and surrounding area.

Conclusion and Recommendation

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed.

C Brennan

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

Andrew Owen

INSPECTOR