
Appeal Decision

Site Visit made on 22 September 2021 by Hilary Senior BA (Hons) MCD MRTPI

Decision by R C Kirby BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 November 2021

Appeal Ref: APP/V5570/Z/21/3278145

341 Upper Street, London, N1 0PB

- 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 Gordon Ramsay Restaurants against the decision of London Borough of Islington.
 - The application Ref P2021/1276/ADV, dated 28 April 2021, was refused by notice dated 27 June 2021.
 - The advertisement proposed is illuminated fascia signs x 2 and projecting signs x 2 and menu signs.
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Decisions

1. That part of the appeal that relates to the illuminated fascia signs x 2 and projecting signs x 2 is dismissed.
2. That part of the appeal that relates to menu signs as applied for is allowed and express consent granted for their display. 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.

Appeal Procedure

3. 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.

Preliminary Matters

4. From my visit I noted that the signage on site was externally illuminated and not as the submitted plans. There were also other elements of advertising at the site that do not form part of this appeal.
5. For the avoidance of doubt, I have assessed the appeal proposal on the basis of the drawings considered by the Council. These drawings included an illuminated menu advertisement on both the Upper Street and Charlton Place elevations of the building which, for precision, I have included in the description of the advertisement in the banner heading above.
6. The Council has drawn my attention to Development Plan policies it considers relevant to this appeal and I have taken them into account where relevant. However, powers under the Regulations¹ to control advertisements may be exercised only in the interest of amenity and public safety, taking account of

¹ The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended)

any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterate this approach.

Main Issue

7. The Council has no objection to the proposal on the grounds of public safety. From the evidence before me, and from my observations, I have no reason to disagree with the Council on this matter.
8. Therefore, the main issue is the effect of the proposed advertisements on the visual amenity of the area, including the character and appearance of The Angel Conservation Area (CA).

Reasons for the Recommendation

9. The host property is a prominent two storey building within an established commercial area located on the corner of Upper Street and Charlton Place.
10. The appeal site is located within the Angel Conservation area, the significance of which is derived from individual buildings of various heights and designs. Upper St is within a commercial area and has a high level of both pedestrians and vehicular traffic. Given this, I am mindful of section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 which sets out that special attention should be paid to the desirability of preserving or enhancing the character or appearance of conservation areas.
11. Whilst amenity is not defined exhaustively within the Regulations, it does indicate that relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. The PPG states that in assessing amenity, the local planning authority would always consider the local characteristics of the neighbourhood: for example, if the locality where the advertisement is to be displayed has important scenic, historic, architectural or cultural features, the local planning authority would consider whether it is in scale and in keeping with these features.
12. The predominant signage in the area is at fascia level, with only limited examples of signage higher on the frontage of the building. The most prominent example is Thai Square, where the signage is individual unilluminated letters. From the site visit I also noted that the majority of the signage was either non illuminated or externally illuminated, in line with the guidance in the Conservation Area Design Guideline for The Angel Conservation Area (2002) which states that internally illuminated box signs and fascias would not be normally permitted.
13. The introduction of the internally illuminated box signage on the Upper St frontage, at a higher level than the fascia would be a stark and discordant form of advertising in this historic environment which would significantly detract from the visual amenity of the area. Whilst the box signage on the Charlton Place Frontage would be positioned on the fascia this street is a narrow, one way side road with traditional shop fronts and non illuminated signage in the vicinity of the appeal proposal. The introduction of illuminated signage would be incongruous and obtrusive in this setting.
14. In addition, the internally illuminated projecting signs on both frontages would, as a result of their projection, design and internal illumination be visually

prominent in the street scene where the majority of projecting signs are traditional externally illuminated hanging signs.

15. Taking the above into consideration, the proposal would fail to preserve the character or appearance of the Conservation Area. Given that the harm relates to only part of the CA the harm to the significance would be less than substantial. In these circumstances paragraph 202 of the Framework states that the harm should be weighed against the public benefits of the proposal. Whilst the signage would benefit the restaurant in attracting customers, it is not considered that this represents demonstrable public benefits that would outweigh the identified harm to the CA which carries great weight.
16. Accordingly, I find that the illuminated fascia signs and projecting signs would result in unacceptable harm to the visual amenity of the area and would neither preserve or enhance the character or appearance of the CA. As such, they would conflict with guidance in the Framework and Policies CS8 and CS9 of the Islington Core Strategy (2011) and Policies DM2.1, DM2.3, DM2.6 of the Development Plan Policies (2013) which, although not decisive, collectively seek to ensure proposals preserve or enhance designated heritage assets including their setting and positively contribute to the public realm and visual amenity of the area.
17. The menu signs would be situated on both frontages at a lower height than the fascia. They would be modest in size and in keeping with the scale of the building and the locality.
18. Accordingly, I find that the menu signs would not result in unacceptable harm to the visual amenity of the area and would preserve the character and appearance of the CA. As such, they would not conflict with guidance in the Framework and Policies CS8 and CS9 of the Islington Core Strategy (2011) and Policies DM2.1, DM2.3, DM2.6 of the Development Plan Policies (2013) which, although not decisive, collectively seek to ensure proposals preserve or enhance designated heritage assets including their setting and positively contribute to the public realm and visual amenity of the area.

Conclusion and Recommendation

19. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed insofar as it relates to the illuminated fascia signs and projecting signs and allowed insofar as it relates to the menu signs.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

20. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation. A split decision is issued as set out above.

RC Kirby

INSPECTOR