
Appeal Decision

Site visit made on 7 June 2022 by T Bennett BA (Hons) MSc

Decision by Martin Seaton BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8 July 2022

Appeal Ref: APP/V5570/Z/22/3294425

The Arts Building, 2 Morris Place, Islington, London, N4 3JG

- 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 Oval Properties 1502 Limited against the decision of London Borough of Islington.
 - The application Ref P2021/3422/ADV, dated 15 November 2021, was refused by notice dated 15 January 2022.
 - The advertisements proposed are for 2no. internally illuminated signs, 2no. non-illuminated fascia signs and 1no internally illuminated projected signage.
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Decision

1. The appeal is dismissed.

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.

Preliminary Matters

3. The above description of the advertisement has been taken from the application form, which is also replicated on the appeal form. Since the submission of the appeal, the Council has subsequently granted consent for the 2no. non illuminated fascia signs and 1no. internally illuminated projected signage. Although the appeal decision relates to all the advertisements as proposed, given the extant nature of the recent consent, my assessment has been limited in practice to the 2no. internally illuminated signs.

Main Issue

4. The powers to control advertisements under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) may be exercised only in the interests of amenity and public safety, taking account of any material factors including development plan policies as a material consideration. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach.
5. The Council has raised no concerns regarding public safety in this case and from the evidence before me I see no reason to disagree. Therefore, the main issue is the effect of the proposed advertisement on the visual amenity of the area and host property.

Reasons for the Recommendation

6. The appeal site, the 'Arts Building', is located in a prominent position on the corner of Stroud Green Road and Morris Place. It is a six storey modern building with the top floor partially visible as you exit Finsbury Park Interchange on to Stroud Green Road. A key architectural feature of the building is the distinct horizontal detailing and vertical brickwork between the windows.
7. The area is mixed use in nature with most buildings, including the appeal building, accommodating retail units at ground floor level and residential or office space at higher levels. A number of large advertisement billboards and various smaller poster advertisements further characterise the surrounding street scene. However, a noticeable feature of buildings in the vicinity of the appeal site is a lack of advertisements and signage above first floor level, giving the buildings an unadorned appearance and allowing the architectural detailing to be fully appreciated.
8. An exception to this is the Park Theatre, located around the corner from the 'Arts Building'. This building though is visually less prominent and the signage does not obscure any fenestration, sitting comfortably against a vertical section of render, thus the circumstances are different in terms of design and location in relation to the buildings to which they relate.
9. The first internally illuminated sign, labelled 'A' on drawing PL2710, is positioned above the 6th storey on the elevation facing Morris Place. Measuring over 6m in length and 2m in height, it would exceed the height of the building and be very prominent and imposing in the street scene, and visible for some distance due to the height of the host building. Furthermore, given the limited number of other illuminated fascia signs at such a high level in the surrounding area, it would appear as a discordant and disharmonious addition to the street scene.
10. The second internally illuminated sign, labelled 'B' on drawing PL2710, is positioned between the second and third floors and also faces Morris Place. The positioning of this sign at a lower level means it is not as prominent in the surrounding vicinity. However, its positioning would disrupt the horizontal and vertical lines of the host building, noticeably extending across and beyond two of the vertical brickwork columns and overhanging into the tinted windows above and below. As a consequence, it would sit uncomfortably on this elevation conflicting with the buildings design and rhythm.
11. For the reasons outlined above the proposed 2no. internally illuminated signs would be detrimental to amenity as a result of the harm to the character and appearance of the host property and surrounding area. Although the starting point for my decision is the effect on amenity rather than the development plan, the proposals would conflict with Policy DM2.1 of the Islington Development Management Policies (2013) (DMP) and CS8 and CS9 of the Islington Core Strategy (2011) which collectively, amongst other things, seek to ensure proposals protect and enhance the built environment and character of the area. It would also conflict with DM2.6 of the DMP which requires proposals to be sensitive to the building on which they are sited and the surrounding street scene.

12. The Council has also drawn my attention to other policies that they consider to be relevant to this appeal. However, I am not persuaded that Policy DM2.3 of the Islington Development Management Policies (2013) (DMP) listed in the decision notice and paragraphs 5.218-5.222 regarding shopfront design of the Islington Urban Design Guide (2017) (SPD) are relevant to this appeal. DM2.3 of the DMP relates to heritage; the proposal is not considered to affect any heritage assets. Paragraphs 5.218-5.222 of the SPD are within a chapter titled 'Shopfront Design' which makes reference to shopfronts throughout, however the proposed signage is not for a shopfront.

Other Issues

13. I note that the Council is concerned the proposal cumulatively would lead to an excessive number of signs on the property. I am mindful of the fact that three signs have already been approved by the Council but I am not persuaded that the additional two signs would be excessive on this building due to the large scale nature of the property. However, this does not outweigh the harm I have already identified.
14. The Council have stated the signage would not negatively impact on the amenity of neighbouring occupiers. Based on my site observations and the submitted information I would agree with this conclusion.
15. I accept that signage can play a key role in making people aware of the presence of a business. However, advertisements are subject to control only in the interests of amenity and public safety. Therefore, such a consideration does not outweigh the clear identified harm to amenity resulting from the effects of the appeal scheme on the host building and the appearance on the area.
16. The appellant has directed me to a previous appeal decision (*APP/V5570/Z/20/3254864 (2020)*) that is in close proximity to the appeal site. This appeal was for the retention of advertising billboards and was allowed. The Inspector concluded that advertising billboards form part of the established character of the area, a conclusion with which I agree, but this appeal is not for advertising billboards and is not the same circumstances as the appeal before me and therefore does not serve to justify the appeal proposal.
17. The appellant has also drawn my attention to a planning application opposite the appeal site for 1no. projecting sign and 1no. internally illuminated sign relating to the 'F45' gym. However, this building is not as prominent as the appeal site. Moreover, I do not have the full details of this case before me, therefore I cannot be sure of the full circumstances that lead to its approval. In any case, I have determined the proposal before me on its individual merits.

Conclusion and Recommendation

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

T Bennett

APPEAL PLANNING OFFICER

Inspector's Decision

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

Martin Seaton

INSPECTOR