



Appeal Decisions

Site visit made on 31 October 2022

by Peter Rose BA MRTPI DMS MCMi

an Inspector appointed by the Secretary of State

Decision date: 16 November 2022

Appeal A Ref: APP/V5570/Y/22/3296032

The Mall, 359 Upper Street, Islington, London, N1 0PD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Pegasus Planning Group Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2021/3669/LBC, dated 15 December 2021, was refused by notice dated 7 February 2022.
 - The works proposed are installation and display of 8no. signs, including 1no. fascia sign above the main entrance, 2no. fascia signs and 2no. projecting signs to the Upper Street elevation and 1no. fascia sign and 2no. projecting signs to the Islington High Street elevation.
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Appeal B Ref: APP/V5570/H/22/3296034

The Mall, 359 Upper Street, Islington, London, N1 0PD

- 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 Pegasus Planning Group Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref: P2021/3690/ADV, dated 15 December 2021, was refused by notice dated 7 February 2022.
 - The advertising proposed is installation and display of 8no. signs, including 1no. fascia sign above the main entrance, 2no. fascia signs and 2no. projecting signs to the Upper Street elevation and 1no. fascia sign and 2no. projecting signs to the Islington High Street elevation.
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Decisions

1. **Appeal A** is allowed and listed building consent is granted for installation and display of 8no. signs, including 1no. externally illuminated fascia sign above the main entrance (south), 2no. externally illuminated fascia signs and 2no. non-illuminated projecting signs to the Upper Street elevation (west), and 1no. non-illuminated fascia sign and 2no. non-illuminated projecting signs to the Islington High Street elevation (east), in accordance with the terms of the application Ref: P2021/3669/LBC, dated 15 December 2021.
2. **Appeal B** is allowed and express advertisement consent is granted for installation and display of 8no. signs, including 1no. externally illuminated fascia sign above the main entrance (south), 2no. externally illuminated fascia signs and 2no. non-illuminated projecting signs to the Upper Street elevation (west), and 1no. non-illuminated fascia sign and 2no. non-illuminated projecting signs to the Islington High Street elevation (east) in accordance with the terms of the application Ref: P2021/3690/ADV, dated 15 December 2021. 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 to the following additional condition:

1. Other than the two fascia displays on the Upper Street elevation and the fascia display above the main entrance (south) as specifically identified on applicant's drawing no. PL-913, no advertisements hereby approved shall be illuminated. The three excepted advertisements shall be statically illuminated only and the level of luminance deployed shall not exceed a maximum steady brightness of 600 candelas per square metre.

Preliminary matters

3. Notwithstanding the Council's description on its decision notices, the agreed wording of the proposal for both applications is: installation and display of 8no. signs, including 1no. externally illuminated fascia sign above the main entrance (south), 2no. externally illuminated fascia signs and 2no. non-illuminated projecting signs to the Upper Street elevation (west), and 1no. non-illuminated fascia sign and 2no. non-illuminated projecting signs to the Islington High Street elevation (east).
4. This description is broadly consistent with both the application forms and the accompanying details set out in submitted drawing Ref: PL-913, and is the basis upon which these appeals are considered. Contrary to the terms of the submitted applications, the Council's publicity similarly refers in summary to 8no. illuminated signs but the actual extent of proposed illumination as set out in the accompanying details is significantly less and relates only to 3no. of the proposed 8no. signs as identified.
5. For the avoidance of doubt, it is also agreed by the parties that the details forming the subject of these appeals are as shown on the following drawings: Site Location Plan (drawing no. PL-910); Block Plan (drawing no. PL-911); Proposed Signage Plan (drawing no. PL-913); Proposed Signage Elevations (drawing no. PL-915 Rev. 1); Existing and Proposed Signage Sections (drawing no. PL-916 Rev. 1); and Signage Details (drawing no. PL-917 Rev. 1).
6. Advertising and associated works have already commenced, and the applications seek to regularise matters. Nevertheless, there is no specific provision to formally determine an application for either listed building consent or for express advertisement consent with reference to a time preceding the date of decision.

Main issues

7. The main issue for **Appeal A** is the effect of the proposed scheme upon the special architectural and historic interest of the appeal site, a Grade II listed building, and, in particular, whether or not, if allowed, the proposal would preserve the building or its setting or any features of special architectural or historic interest which it possesses.
8. The control of advertisements is exercisable only with respect to public safety and amenity. The main issue in relation to **Appeal B** is the effect the proposed scheme would have, if allowed, upon amenity only. Regulation 3 states that powers in this regard shall be exercised taking into account the provisions of the development plan, so far as they are material, and any other relevant factors.

Reasons

Background

9. The Mall comprises a former electricity transformer station and tram depot now used for retail purposes. The building dates from the very early twentieth century and displays distinguished elevations to all sides. The elevations comprise yellow brick set in English bond and include bays with rusticated piers; arched windows; stone dressings; a moulded stone cornice; a brick parapet with stone coping; and a Welsh slate roof. Its significance lies in its architectural and historic interest as an exemplary building of its kind, and the asset contributes to the historic character and appearance of the surrounding Angel Conservation Area (the Conservation Area) accordingly.
10. Much of the Conservation Area pre-dates the listed building. Its significance draws from a range of historic styles and building forms characteristic of the evolution of this part of London. The appeal site's elevations have been designed to sensitively reflect both its detached and prominent location but also its immediate close context of overlooking buildings.
11. Consents have been recently granted for a scheme of advertising with similarities to the appeal proposal.¹ The approved scheme included 4no. non-illuminated projecting signs, and a non-illuminated fascia sign above the main entrance on the southern elevation.
12. The appeal scheme includes similar signage to that already approved, but also seeks to introduce further features to the building. These include: external illumination to the fascia sign above the main entrance; an additional 2no. externally illuminated fascia signs to the Upper Street elevation; and an additional 1no. non-illuminated fascia sign to the Islington High Street frontage.
13. The Officer's Report makes clear that the non-illuminated fascia sign to the Islington High Street elevation is considered acceptable.² The principal remaining aspects of contention as between the appellant and the authority relate to the 2no. externally illuminated fascia signs to the Upper Street elevation and the introduction of illumination to the 1no. fascia sign above the main entrance to the southern elevation. The Council objects to any illumination.³

Appeal A

14. The appeal site occupies a prominent town centre location, characterised by a variety of commercial and other uses. Illuminated displays of varying forms are evident on other premises in the wider vicinity, and include use of both trough and other direct external lighting, and designs of modern materials.
15. The general extent and siting of the signage as proposed would be proportionate and appropriate to the scale of the building. It would not obscure any particular architectural features of interest it displays, would not unbalance or unduly dominate the elevations, and would be consistent with the legibility of the building's use as part of the wider street-scene and town centre. The

¹ Express advertisement consent Ref: P2021/0397/ADV and listed building consent Ref: P2021/0346/LBC approved on 6 April 2021

² Paragraph 44

³ Council email of 31 March 2022 refers

displays would also have no implications for the historic fabric of the building itself.

16. The authority acknowledges that the colours and materials of the proposed displays are similar to those most recently approved.⁴ The existing consent also endorses the protrusive presence of the four signs projecting away from the elevations.
17. The further use of modern materials and the introduction of illumination as proposed would inevitably contrast with the historic character of the building. In the particular context of the fallback position of the existing consents, the further harm arising would be relatively modest. The extent of additional modern material would be limited and contained. The proposed trough lighting would be discreet and subtle in its presence, and the illumination would be directed downwards towards the lettering itself.
18. The appeal site is a building of a particular form and character, and is not purposely designed for retail use. It has previously contained other advertising in connection with former retail operations and appears to have experienced an uncertain past involving a successive turnover of major retailers. Particularly in the hours of darkness, its retail presence and availability are undoubtedly obscured and thereby impeded by the absence of traditional active glazed shop frontages to the premises as might be expected of such a use. The proposed illumination would seek to compensate.
19. The National Planning Policy Framework (the Framework) makes clear that heritage assets are an irreplaceable resource, and requires them to be conserved in a manner appropriate to their significance. When considering the impact of a proposed development on the significance of a designated heritage asset, it requires great weight to be given to an asset's conservation, and irrespective of the scale of harm.
20. There is a strong presumption against granting consent which would harm a listed building because the desirability of preserving the heritage asset is a matter of statutory duty and therefore a factor of considerable importance and weight.
21. Nevertheless, change to heritage assets is inevitable and is only harmful when significance is damaged. The nature and importance of the significance as affected will dictate the proportionate response to assessing that change, its possible justification, and any required mitigation.⁵
22. Accordingly, the Framework requires that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Where a scheme would lead to less than substantial harm to the significance of a designated heritage asset, as in this instance, the Framework requires such harm to be weighed against the public benefits of the proposal.
23. The public benefits would include supporting an appropriate town centre function and, in so doing, helping to secure a viable future use for this important historic building, and so contributing to safeguarding and sustaining the significance of the asset itself. This, in turn, would sustain a range of other

⁴ Paragraph 3.3 of Council Statement

⁵ Historic England's Managing Significance in Decision-Taking in the Historic Environment, Historic Environment Good Practice Advice in Planning: 2

economic and social benefits, including for employment, and for the vitality of the town centre not least during hours of darkness. I am satisfied the cumulative harm arising from the appeal scheme would be out-weighed by these public benefits.

24. Accordingly, policies in the Framework that protect areas or assets of particular importance, and which include listed buildings, do not provide a clear reason for refusing the scheme proposed in heritage terms.

Appeal B

25. For the reasons set out in **Appeal A**, I conclude there would be no undue harm to visual amenity for the purposes of **Appeal B**.
26. To the rear, the appeal site faces predominantly residential properties in Islington High Street, and which are Grade II listed buildings. In contrast to the opposite side of the appeal site which faces a busy road and commercial properties, the terrace enjoys a quieter, residential character. Concerns have been raised by residents, particularly regarding disturbance from proposed illumination and towards accompanying carbon emissions.
27. No illumination is proposed for the Islington High Street frontage itself, and its intensity of advertising would be significantly less than that for Upper Street. The main entrance would be illuminated on one side of the building, but does not form part of this frontage and faces away from those residential properties. Most of the relevant dwellings do not lie beyond the main entrance and its illumination would be fixed at a relatively oblique angle facing away at some distance and separated by a public highway.
28. The level of luminance would also be limited as agreed by the appellant in accordance with the Council's recommendation and be comparable to the light levels of similar operations elsewhere.
29. I particularly note that Policy DM2.6 of the Council's Development Management Policies⁶ (the DMP) includes a need to avoid visual intrusion through light pollution. Given the physical proximity of the advertisements to adjacent properties, and the height, extent and level of luminance proposed, I consider the proposal to be both modest and reasonable, and that there would be no significant adverse impact upon surrounding amenity in that regard.
30. For the reasons set out in **Appeal A**, there would be no harm to the character or appearance of the Conservation Area as a whole.

Other matters

31. No concerns have been raised by the authority in relation to the settings of the adjacent listed properties in Islington High Street, and nor of any others. Given the absence of illumination to the proposed signage within that facing elevation and its design, and the orientation of the closest illuminated sign above the main entrance some distance away from those properties, I find there would be no harm to the settings of those assets. The same also applies to the nearby listed asset at 357 Upper Street.

⁶ Islington's Local Plan: Development Management Policies June 2013

32. Existing security lamps attached to the building are not part of the formal description of works as submitted and do not fall within the terms of these decisions.
33. No objection is raised by the Council in relation to public safety and I have no reason to conclude otherwise.

Overall assessments

34. In relation to **Appeal A**, I conclude that the proposal would not, in overall terms, be harmful to the special architectural and historic interest of the appeal site. When read as a whole and in the context of the Framework, the scheme would not be contrary to Policy HC1 of the London Plan⁷, to Policy CS9 of the Council's Core Strategy⁸, and nor to Policies DM2.3 and DM2.6 of its DMP. These policies seek, amongst other things, to conserve the significance of heritage assets, to protect and enhance Islington's built and historic environment, for advertisements to be of a high quality and sensitive, and for development that makes a positive contribution to Islington's local character and distinctiveness to be encouraged. I also have regard to Islington's Conservation Area Design Guidelines 2002 (the Guidelines) and to Islington's Urban Design Guide Supplementary Planning Document 2017 (the Design Guide).
35. In relation to **Appeal B**, I conclude that the proposal would not be harmful to visual nor any other amenity, having regard to the relevant development plan policies referred to in **Appeal A** and also in the Council's decision notice, and to the accompanying Guidelines and Design Guide.

Conditions

36. Works have already commenced, and no other conditions are necessary in relation to **Appeal A**.
37. **Appeal B** is subject to five years' duration and to the standard conditions, and to a further necessary condition limiting the extent and levels of illumination in accordance with the submitted details. The standard conditions already include the requirement to maintain the advertisements and the site in a condition that does not impair visual amenity.
38. It is not necessary to identify relevant drawings by way of conditions as this appeal grants listed building consent and express advertisement consent and for which there is no facility for subsequent minor amendments as may apply to a planning permission. Relevant drawings are instead set out by way of factual clarification in my preliminary note.

Conclusion

39. For the reasons given above, I conclude that **Appeal A** and **Appeal B** should each be allowed.

Peter Rose
INSPECTOR

⁷ Mayor of London's The London Plan, The Spatial Development Strategy for Greater London March 2021

⁸ Islington's Core Strategy February 2011