



Appeal Decision

Site visit made on 6 December 2022

by G J Fort BA PGDip LLM MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 December 2022

Appeal Ref: APP/V5570/Z/22/3305952

233 - 239, 241 - 243 Pentonville Road, London N1 9NG

- 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 Mr Justin Myers (blowUp Media) against the decision of the Council of the London Borough of Islington.
 - The application Ref P2022/2209/ADV, dated 13 June 2022, was refused by notice dated 23 August 2022.
 - The advertisement proposed is a temporary decorative shroud screen during building works comprising a 1:1 image of the building façade with an inset area for public information and advertising measuring 19m(w) x 5.9m(h).
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Decision

1. The appeal is allowed and express consent is granted for the display of the temporary decorative shroud screen during building works comprising a 1:1 image of the building façade with an inset area for public information and advertising measuring 19m(w) x 5.9m(h) as applied for. The consent is for 1 year and is subject to the five standard conditions set out in the Regulations and the following additional conditions:-
 - 1) The period of express consent hereby granted shall begin not later than whichever is the earlier of -
 - (a) the date of commencement of the display; or
 - (b) six months from the date of this decision.
 - 2) The intensity of the illumination of the sign permitted by this consent shall be no greater than that recommended by the Institute of Lighting Professionals in its Professional Lighting Guide 05 (PLG 05) Brightness of Illuminated Advertisements (or its equivalent in a replacement Guide).
 - 3) The sign hereby permitted by this consent shall not include any intermittent light source, animation, moving feature or exposed cold cathode tubing.
 - 4) No installation, servicing or maintenance activities relating to the sign permitted by this consent are to obstruct the safe passage of users of the footway and carriageway adjacent to the site.

Background and Main Issue

2. Regulation 4 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) makes clear that powers pursuant to the Regulations are only to be exercised in the interests of amenity

and public safety. The Council is of the view that, subject to suitably worded conditions, the proposed advertisement would cause no harm to public safety, and no other representations have been made that raise any concerns in this respect. Moreover, my observations on-site did not give me any reasons to reach differing conclusions to those of the Council in relation to public safety matters. Consequently, the main issue in this case is the effect of the proposed advertisement on the amenity of its surroundings, including whether it would preserve or enhance the character or appearance of the Kings Cross Conservation Area.

Reasons

3. The appeal proposal relates to a row of properties of varied heights which address Pentonville Road, a wide thoroughfare which slopes gently upward from its junction with Kings Cross Road. Featuring commercial fronts at the ground floor, the appeal properties benefit from a recent planning permission, which will entail construction work requiring the installation of scaffolding to facilitate this. The appeal scheme, as described above, would wrap around the scaffolding, and include a 1:1 scale image of the appeal buildings' facades. An oblong-shaped 'inset' area would be situated more or less in the middle of the proposed wrap, the long edge of which at the bottom would be just above the level of the host buildings' ground floors, with the top on a line with the eaves of Nos 241 to 243, and on a level with the bottom pane of the third floor windows of Nos 233 to 239. A line of six external lights would be placed along the top line of the oblong. The appeal proposal would see the display of advertising and public information within this inset area.
4. The appeal buildings are situated in the Kings Cross Conservation Area, a locale within which the completeness of the Victorian streetscene, which was largely developed contemporaneously with railways infrastructure, and the variety of scales and uses of buildings are notable features. Taken together with the proximity of the National Set Piece of buildings and spaces which extend from the British Library to Caledonian Road, as referred to in the Conservation Area Design Guidelines (January 2002) (the Guidelines), these are the key elements from which the Conservation Area's character, appearance and significance principally derive.
5. Immediately adjacent to the appeal buildings, set back considerably from the principal building line of Pentonville Road, its elevations set at angles to that line is the Former Welsh Congregational Union Chapel, a Grade II Listed Building, designed in the Gothic Revival style. The Chapel's unusual setback and orientation in relation to Pentonville Road coupled with its overall scale and detailing act to separate it visually from the appeal buildings and the terrace on the Chapel's other side. These features mean that the Pentonville Road aspect of the Chapel creates a visual break, which punctuates the streetscene in an arresting manner. To my mind, these are aspects of the Chapel's significance that are of relevance to the current appeal.
6. Commercial uses and associated signs are features of the surroundings of the appeal building, albeit on the whole at a lower level than the inset area of the proposed shroud. Nevertheless, higher level signs of differing characters are present on buildings and street furniture inter-visible with the appeal buildings. Moreover, the proposed lighting would be installed at a similar height to adjacent existing streetlights. Critically, when compared to the blank, visually

- unappealing presence of traditional scaffold shrouding, the proposed shroud design would impart some visual interest for the temporary period sought. It is relevant also that the inset area would be sensitively and centrally located within the shroud, and as a result would not be a dominant element.
7. The set-back and orientation of the Chapel mean that intervisibility of that building with the proposed inset area of the shroud and its associated illumination would be limited. For this reason, the proposed shroud would not detract from the scale, unusual setback and visual interest of the Chapel's Pentonville Road facing aspect. Consequently, the significance of the Chapel would not be impaired. These considerations, taken together with the fact that the proposal would clearly read as a temporary, and not a permanent intervention, lead me to the view that the proposed shroud would not have a harmful impact on the character of its host buildings, or those of its surroundings. Taken together, these considerations lead me to the view that the proposed advertisement would be appropriately located and of a suitable size and design.
 8. In its Officer Report, the Council includes extracts from two other appeal decisions relating to shroud advertisements proposed for 272 to 276 Pentonville Road. However, unlike the current proposal, those appeals appear to relate directly to a listed building, at a 'busy intersection' of the Conservation Area, and in a location more intimately related to the National Set Piece. Moreover, the proposed advertisement panel in this case would be somewhat smaller than the one referred to in the first of the appeal decisions quoted. For these reasons, the appeal decisions referred to by the Council do not therefore weigh against the proposed shroud in this case. Similarly, although the Guidelines indicate that consent would not be given for new hoardings in the Conservation Area, for the reasons given above, the proposed shroud in this case would not give an impression of clutter or lack of interest, and it would not obscure the appeal buildings to a greater degree than standard scaffold shrouding for which no planning or advertising consent is required. Consequently, the Guidelines' advice on this matter does not weigh against the proposed advertisement in this case.
 9. For the reasons set out above, I conclude on this main issue that the proposed advertisement would preserve the character and appearance of Kings Cross Conservation Area, and would not cause harm to the amenity of its surroundings, including in terms of the special interest and significance of the Former Welsh Congregational Union Chapel. It follows that the appeal proposal would not therefore conflict with Policies D4 and HC1 of the London Plan: The Spatial Development Strategy for Greater London (published March 2021) Policies CS8 and CS9 of Islington's Core Strategy (adopted February 2011); or Policies DM2.1, DM2.3 and DM2.6 of Islington's Development Management Policies (adopted June 2013); or Islington's Urban Design Guide Supplementary Planning Document (adopted January 2017); or the National Planning Policy Framework (the Framework). Insofar as they are relevant to the consideration of amenity matters, and taken together, the policies and guidance seek to ensure that the quality and character of places do not suffer as a result of poorly sited and designed advertisements; that historic urban fabric is preserved and proposals affecting heritage assets are sympathetic to their significance and appreciation within their surroundings; and that proposals do not result in an unacceptable adverse impact on views of local landmarks.

Conditions

10. The Framework (at paragraph 56) establishes, amongst other matters, that conditions should only be imposed where they are necessary and should be kept to a minimum. I have considered the suggested conditions on this basis and have, where necessary, made amendments to their wording in the interests of precision and clarity. The conditions attached are in addition to those imposed by the Regulations.
11. To ensure that the temporary period as applied for is accurately reflected, a condition is imposed setting out the relevant date/s on which the temporary period could be said to commence, in accordance with Regulation 14(8) of the Regulations. The appeal site is on a busy arterial route both for vehicular traffic and users of the footway. Consequently, it is necessary to attach conditions in the interests of public safety, which firstly relate to the luminance and type of illumination used, and secondly, seek to minimise obstructions during any maintenance or installation activities associated with the proposed advertisement.

Conclusion

12. For the reasons set out above, and taking into account all other matters raised, I conclude that the appeal should succeed.

G J Fort

INSPECTOR