



Appeal Decision

Site visit made on 24 February 2023

by Joanna Gilbert MA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 March 2023

Appeal Ref: APP/V5570/Z/22/3302835

Shop, 18 Fonthill Road, Islington, London N4 3HX.

- 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 Ms Anna McAree of Build Hollywood Ltd against the decision of London Borough of Islington.
 - The application Ref P2022/1182/ADV, dated 29 March 2022, was refused by notice dated 20 June 2022.
 - The advertisement proposed is wall-mounted timber poster panel display (non-illuminated) measuring 1.7m x 3.2m for 4-sheet size community posters.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations), paragraph 136 of the National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) all confirm that advertisements should be subject to control only in the interests of amenity and public safety. Both main parties agree that the poster panel display unit would not harm public safety or aural amenity. Accordingly, the main issue in this appeal is the effect of the advertisement on the visual amenity of the area.

Reasons

3. Located at the junction of Fonthill Road and Moray Road, the appeal property at 18 Fonthill Road is a three-storey end of terrace building on the south-western corner of the junction. The ground floor is presently in use as a shop selling food and wine, while the upper floors are in residential use. Although the surrounding area is largely residential, there are other examples of commercial uses, including the William Butler Yeats public house. The appeal property does not lie within a conservation area and is not statutorily or locally listed.
4. The rendered ground floor side elevation of the shop unit at No 18 faces Moray Road and contains an illuminated fascia board advertising the shop and Lycamobile, three air conditioning units and a non-illuminated timber poster panel display unit. It is this poster panel display unit for 3 x 4 sheet advertisements which is the subject of this appeal. In addition to this appeal, the poster panel display unit is subject to an ongoing enforcement case E/2020/0327.

5. Despite its lack of illumination and its central siting, the poster panel display unit is located at street level on an otherwise white rendered wall at a junction. Notwithstanding the presence of the existing fascia signage and air conditioning units and the retention of the building's original architectural detailing at the end of the rendered wall, the poster panel display unit is prominent and visible on Fonthill Road and near the junction on Moray Road. By reason of its size and position, it is not well-contained and has a detrimental effect on visual amenity.
6. Furthermore, signage on other commercial units generally consists of fascia advertisements and hanging signs, instead of display panels for general advertisement purposes as is the case here. Rather than being incidental, natural, or adding vitality and colour, the poster panel display unit is uncharacteristic of the area.
7. Facing the appeal site, the William Butler Yeats public house also turns the corner of Fonthill Road and Moray Road. Though it extends further into Moray Road than No 18, the public house's flank elevation is well-designed, attractive and in keeping with the wider streetscene. Though the appellant has sought to argue that this public house is more substantial than the development in this appeal, the two are not directly comparable in nature, size and quality.
8. The appellant highlights that such advertisements can help prevent uncontrolled flyposting, but this assertion is unsubstantiated by evidence. I also note the challenges faced by businesses, arts and cultural organisations during the pandemic, but there is no evidence before me which indicates that the poster panel display unit is to be used specifically for community messaging for local events and businesses.
9. I conclude that the advertisement has a harmful effect on the visual amenity of the area. The Council has drawn my attention to Policies D1, D4 and D8 of the London Plan (2021), Policies CS8 and CS9 of Islington's Core Strategy (2011), Policies DM2.1 and DM2.6 of Islington's Local Plan: Development Management Policies (2013), and the Islington Urban Design Guide (2017) which they consider to be relevant to this appeal as they deal with design and the effect of development on character, appearance and amenity. Powers under the Regulations require decisions to be made only in the interest of amenity and public safety, taking account of any material factors. I have therefore taken the aforementioned policies and Urban Design Guide into account insofar as they are relevant to those matters as a material consideration, but they are not a determining factor in this case which I have considered in the light of the Regulations. The poster panel display unit is contrary to paragraph 136 of the Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Conclusion

10. For the reasons given above, I conclude that the poster display panel unit is harmful to visual amenity and the appeal should be dismissed.

Joanna Gilbert

INSPECTOR