



Appeal Decision

Site visit made on 21 March 2023

by A James BSc (Hons) MA MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4th May 2023

Appeal Ref: APP/V5570/Z/23/3314371

Zhero Ltd, 162 Farringdon Road, London EC1R 3AS

- 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 Izak Oosthuizen of Zhero Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2022/3542/ADV, dated 5 October 2022, was refused by notice dated 8 December 2022.
 - The advertisements proposed are described as 'LED Ticker. Zhero logo will be running across the screen. It will be with [sic] on black signage with the option to also swop it around so that it is black on white. LED Ticker o/a Size: approx. 14240mm (w) x 640mm (h) x 105mm (d), P6.67 (6.67mm LED pitch), resolution: 2112 (w) x 96 (h) pixels, LED Screens: Screen 1 - 5440mm (w) x 640mm (h) - 17 x 2 modules, Screen 2 - 2240mm (w) x 640mm (h) - 7 x 2 modules, Screen 3 - 6400mm (w) x 640mm (h) - 20 x 2 modules, (Each module 320 x 320mm)'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The address and name of the appellant differ on the application and appeal form. The appellant has confirmed the address of the appeal site and the name of the appellant, which I have used in the banner heading above. I have taken the proposal description from the application form.
3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the National Planning Policy Framework (the Framework) and the national Planning Practice Guidance (PPG) confirm that advertisements should be subject to control only in the interests of amenity and public safety. Regard does not need to be had to the development plan. I have taken relevant policies into account as a material consideration; however, they have not, by themselves, been determinative for this appeal.
4. The Council raise no concerns in relation to public safety and based on the evidence before me and my site visit, I see no reason to take a different view.
5. The Council has confirmed that the appeal site is located outside of a Conservation Area (CA) but lies within close proximity to the Rosebery Avenue CA and New River CA. As this is contrary to wording within the reason for refusal, the appellant has been given the opportunity to comment on this matter.

Main Issue

6. The main issue is the effect of the proposed advertisements on amenity.

Reasons

7. The appeal site occupies a prominent corner plot, adjacent to a busy junction. The appeal property is a 3 storey building, with 2 additional floors of accommodation within the roof space. It has a commercial unit on the ground floor, with apartments above. The area is characterised by a mix of uses and contains historic and modern architecture of varying heights and designs. The ground floor units along the main throughfare generally provide an active frontage and include retail, restaurants, drinking establishments and commercial units. The upper floors and side roads are predominantly in residential use.
8. 'Amenity' as defined in the PPG, is usually understood to mean the effect on visual and aural amenity in the immediate neighbourhood of an advertisement. The PPG advises that the local characteristics of an area are relevant when assessing amenity, including the presence of any features of historic, architectural, cultural or similar interest. The Framework acknowledges that the quality and character of places can suffer when advertisements are poorly sited and designed.
9. The appeal site lies in close proximity to 2 Conservation Areas (CA). On the opposite side of Farringdon Road is the Rosebery Avenue CA and to the north of the site is the New River CA. The significance of the Rosebery Avenue CA is derived from its 18th and 19th century architecture and wide variety of land uses, including shops, offices, public buildings, residential and a historic marketplace. The significance of the New River CA is derived from its mix of historic industrial architecture, water buildings, the Sadler's Wells Theatre and high quality residential terraced houses that date back to the 18th and 19th century. The appeal site forms part of the setting of both CAs.
10. The signage within both CAs is generally restrained with limited illumination, this also applies to the more modern development within the locality. Adjacent to the site and outside of the CA, is a newsagent which appears to have an internally illuminated fascia and projecting sign.
11. The proposed LED advertisements would be sited on 3 elevations of the property. As the proposal would be placed within the existing fascia, in the same position as the current advertisements, it would not create any additional visual clutter. The depth of the proposed advertisements would also be similar to other advertisements in the immediate locality and would therefore not appear out of keeping. Nevertheless, given the prominent position of the property and the illuminated display, the proposal would appear visually dominant when viewed from the surrounding public realm, including the main thoroughfare during the day and night-time.
12. In addition, the intermittent changing of the illuminated display would draw significant attention to the advertisements and would further accentuate its visual prominence. The proposal would be more modern in its form and technology than any other advertisements that I noted in the area. As a result, the proposal would appear incongruous and would be out of keeping with the relatively simple static signage that is characteristic of the immediate location.

13. Consequently, the proposal would unacceptably detract from the character and appearance of the street scene and would fail to preserve the setting and therefore the significance of the CAs. The appellant argues that the proposed advertisements would be ephemeral and not have a long-term impact on the surrounding area. Nevertheless, harm would be caused to amenity and this does not alter my findings.
14. The Council's reason for refusal does not raise any concerns regarding the impact of the proposed advertisements on the living conditions of nearby residents. I am satisfied that subject to appropriate conditions, there would be no harm to residential amenity.
15. Overall, I conclude that the proposed advertisements would be harmful to amenity. Although not determinative, I have had regard to Policy CS9 of Islington's Core Strategy 2011 and Policies DM2.1, DM2.3 and DM2.6 of Islington's Local Plan: Development Management Policies 2013. These policies are of relevance insofar as they require advertisements to be of the highest standard appropriate to the building, protect amenity and have regard to the surrounding historic context, including the setting of CAs.
16. I have also had regard to the Islington Urban Design Guide Supplementary Planning Document (SPD) 2017 and the Conservation Area Design Guidelines 2002 Supplementary Planning Guidance (SPG) 2002. The SPD and SPG seek to promote good design and restrict internally illuminated and flashing signage within the borough. Given I have concluded that the proposal is harmful to amenity, it also conflicts with development plan policies, the SPD and SPG.

Other Matters

17. The Framework recognises the economic benefits of advertising in general, particularly in light of the effects of the pandemic on the economy. However, this benefit does not outweigh the harm that the proposal would cause to the amenity of the area.

Conclusion

18. For the reasons given above, I conclude that the proposed advertisements would be harmful to amenity. The appeal is therefore dismissed.

A James

INSPECTOR