



Appeal Decision

Site visit made on 20 September 2023

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 November 2023

Appeal A Ref: APP/V5570/W/22/3311303

Pavement at Junction of Highbury Place and Highbury Corner, St Paul's Road, London N1 2LF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by BT Telecommunications PLC against the decision of the Council of the London Borough of Islington.
 - The application Ref P2022/1295/FUL, dated 31 March 2022, was refused by notice dated 7 October 2022.
 - The development is for the proposed removal of 2no. phone kiosks within the area and the installation of 1no. BT Street Hub unit on pavement.
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Appeal B Ref: APP/V5570/H/22/3311304

Pavement at Junction of Highbury Place and Highbury Corner, St Paul's Road, London N1 2LF

- 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 BT Telecommunications PLC against the decision of the Council of the London Borough of Islington.
 - The application Ref P/2022/1296/ADV, dated 31 March 2022, was refused by notice dated 7 October 2022.
 - The advertisements proposed is for "2no. digital 75" LCD display screens, one on each side of the Street Hub unit".
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Preliminary Matters

3. There are 2 appeals relating to the site, one against the refusal of planning permission and the other against the refusal of advertisement consent. They are intrinsically linked and raise similar issues. To avoid repetition, while considering each on its merits, I have dealt with both in a single decision letter.
4. Since the determination of the planning application the Council have adopted the Islington Local Plan Strategic and Development Management Policies September 2023 (SDMP), whose policies supersede the Islington Development Management Policies (2013) referenced within the Decision Notice. I have

therefore, determined the appeal with the newly adopted policies in mind.

Main Issues

5. The main issue in respect of Appeal A is the effect of the proposal upon highway and pedestrian safety. The main issue in respect of Appeal B is the effect of the proposed advertisements on public safety.

Reasons

6. The appeal site is located on a busy junction opposite Highbury and Islington Underground Station, lined by pavements and close to a signalised crossroads. This combination of factors requires motorists to have particular focus in order to avoid conflict with other road users in this heavily trafficked area.
7. The new Hub and advertisements would be orientated towards drivers travelling in broadly south-easterly or north-westerly directions along the highway. For those motorists approaching from St. Paul's Road and Highbury Corner, visibility of the area around the appeal site is generally clear and this would allow drivers time to register the new form of advertising at the site. Moreover, vehicles would generally be travelling with caution having just negotiated the junction in this direction.
8. However, I saw that this would not be the case for motorists approaching from Holloway Road, and meeting with pedestrians using the crossing at this point. Holloway Road is a straight stretch of highway; however, the appeal site is obscured by the building on the corner with Highbury Place. The Hub and its advertising only become evident in close proximity to the junction.
9. The Planning Practice Guidance identifies that the types of advertisements which may cause harm to road users which include internally illuminated signs with frequent changes of display. It also states that advertisements at points where drivers need to take more care are more likely to affect public safety, and this includes pedestrian crossings.
10. Within this context the proposed style of the advertising would be distracting, in a position where motorists crossing the path of other road users would not have an opportunity to register the advertisement in advance when navigating the junction from Holloway Road onto Highbury Corner. As a result, the advertisements would reduce motorists' attention when they require particular focus on this busy carriageway to avoid conflict with other road users, increasing the risk of incidents in the area. Transport for London have indicated that there have been a number of collisions involving pedestrians and cyclists on the junction since 2017, and to my mind the proposals would exacerbate the situation.
11. The proposed kiosk would have a relatively small footprint and considering that the pavement is comparatively wide at this point, to my mind the Hub would not interfere with the free flow of pedestrians to any harmful extent. This however does not counterbalance the detriment I have reasoned previously.
12. With regard to Appeal A I conclude that the proposal would have an injurious effect on highway and pedestrian safety. It would run contrary to Policy T4 of the SDMP and Policy T2 of the London Plan 2021, which together attempt to encourage walking, cycling and public transport use by ensuring the public realm provides for the safety and convenience of all users.

13. In terms of Appeal B, and in accordance with the Regulations, I have taken into account the provisions of the development plan in so far as they are relevant. Policy DH6 of the SDMP seeks to ensure advertisements are well-designed and well-integrated within the public realm. As such, this is a material consideration insofar as it relates to this appeal.
14. I conclude, therefore, that the advertisements would be deleterious to the visual amenity of the area. The scheme would fail to meet with the objectives of the above policy.

Other Matters and Planning Balance

15. The appellant cites a number of other proposals granted permission; however, these cases are a considerable distance from the appeal site, and their character and local road conditions would be distinctly different. As such, these decisions do not alter my findings.
16. The proposals would also provide a number of other benefits to the local community and through the Healthy Streets Approach. In summary these include ultrafast Wi-Fi, environmental monitoring (including air quality, noise, and traffic), 5G mobile network coverage, free phone calls, access to charities, Council services, and BT's phone book, local weather information, maps, wayfinding, rapid device charging, free public and community messaging, discount advertising for local business groups, payment of business rates when requested by the Council, and access to public and emergency services.
17. All these benefits would be in compliance with a number of the Council's development plan policies, relevant policies of The London Plan, and relevant paragraphs of the National Planning Policy Framework (the Framework), including paragraph 114 which provides that, amongst other things, advanced, high quality and reliable communications infrastructure is essential for economic growth and social wellbeing, and that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G).
18. Whilst I also appreciate that the proposed Street Hub is intended to be part of a wider network, for the purposes of these appeals I must assess the proposals on their own merits. In this respect, given that the Street Hub's individual contribution to the above-mentioned policy objectives would likely be modest, I have given the collective benefits of the proposals to the public and the local community moderate weight in support of the proposals.
19. On the other hand, the proposal would give rise to adverse impacts in relation to the unacceptable effects on highway and public safety, in the terms I have described above. I ascribe substantial weight to this harm.
20. Considering this, in relation to Appeal A, as a matter of planning judgement I find that the matters advanced in support of the proposal, do not, either individually or collectively, outweigh the harm identified, nor the conflict with the development plan identified.
21. In relation to Appeal B, a similar range of benefits would arise via the proposal. However, the 2007 Regulations make clear that advertisements should be subject to control only in the interests of amenity and public safety. Appeal B has been assessed on this basis. Therefore, in relation to Appeal B, none of the other considerations raised changes my findings on the main issues.

Conclusion

22. Based on the foregoing and having regard to all other issues raised, I find that both Appeal A and Appeal B should be dismissed.

C Hall

INSPECTOR