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## Appeal Decisions

Site visit made on 1 February 2024

by **L Reid BSc (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

**Decision date: 21 May 2024**

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### **Appeal A Ref: APP/V5570/W/23/3328775**

#### **309-311 Caledonian Road, Islington, London N1 1DT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
  - The appeal is made by Betting Shop Operations Limited against the decision of the Council of the London Borough of Islington.
  - The application Ref is P2023/1075/FUL.
  - The development proposed is installation of a new shopfront, 1no. satellite dish and 1no. air conditioning unit.
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### **Appeal B Ref: APP/V5570/Z/23/3326960**

#### **309-311 Caledonian Road, Islington, London N1 1DT**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent to display an advertisement.
  - The appeal is made by Betting Shop Operations Limited against the Council of the London Borough of Islington.
  - The application Ref is P2023/1074/ADV.
  - The advertisement proposed is installation of 2no. internally illuminated fascia signs and 1no. internally illuminated projecting sign.
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## **Decision**

### **Appeal A Ref: APP/V5570/W/23/3328775**

1. The appeal is allowed and planning permission is granted for the installation of a new shopfront, 1no. satellite dish and 1no. air conditioning unit at 309-311 Caledonian Road, Islington, London N1 1DT in accordance with the terms of the application, Ref P2023/1075/FUL, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 48162 Revision: 03, MAJ-CR-00-GA-001 – Rev A.
  - 3) When operating the noise level  $L_{Aeq Tr}$  arising from the air conditioning unit hereby approved, measured or predicted at 1m from the facade of the nearest noise sensitive premises, shall be a rating level of at least 5dB(A) below the background noise level  $L_{AF90 Tbg}$ . The measurement and/or prediction of the noise should be carried out in accordance with the methodology contained within BS 4142: 2014+A1:2019.

- 4) Prior to the installation of the hereby approved development, a Sustainable Design and Construction Statement shall be submitted to and approved by the Local Planning Authority and shall demonstrate how the proposal meets the Council's Sustainable Design policies. The development shall be carried out in accordance with the approved Sustainable Design and Construction Statement.

### **Appeal B Ref: APP/V5570/Z/23/3326960**

2. The appeal is allowed and express consent is granted for the display of 2no. internally illuminated fascia signs and 1no. internally illuminated projecting sign at 309-311 Caledonian Road, Islington, London N1 1DT in accordance with the terms of the application, Ref P2023/1074/ADV. 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.

### **Preliminary and Procedural Matters**

3. There are two appeals relating to the same site. Appeal A is against the refusal of planning permission and Appeal B is 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 applications the Council adopted the Islington Local Plan Strategic and Development Management Policies 2023 (the SDMP). In respect of Appeal A, my determination of this appeal is made against its policies. The Council has drawn my attention to the policies it considers relevant to Appeal B and I have taken them into account insofar as a material consideration.
5. During the course of the appeal, the Government revised the National Planning Policy Framework (the Framework). Policies material to this decision have not fundamentally changed. Therefore, I have not sought the main parties' views on this.

### **Main Issues**

6. The main issue with respect to Appeal A is whether the proposal would preserve or enhance the character or appearance of the Barnsbury Conservation Area.
7. The main issue with respect to Appeal B is the effect of the proposal on amenity.

### **Reasons**

8. The appeal site is within the Barnsbury Conservation Area (the CA). I have therefore had regard to Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special attention be paid to the desirability of preserving or enhancing its character or appearance.
9. The significance of the CA, as described in the Barnsbury Conservation Area Design Guidelines 2002 (the CA guidelines), is derived from the squares and terraces of some of the best examples of late-Georgian/early-Victorian

residential developments in London. It also identifies Caledonian Road as a shopping frontage which makes an important contribution to the character of the CA.

10. 309-311 Caledonian Road is in a busy mixed-use area. The character of the building is primarily derived from its box-like appearance. It has a distinctive projecting canopy that sits above the shopfronts and wraps around the frontage. The building forms part of a terrace, adjoined by older buildings of a different architectural style. It lacks any traditional detailing such as that found on some buildings nearby and therefore makes a neutral contribution to the significance of the CA.

#### *Appeal A*

11. Notwithstanding their planning status, there are satellite dishes on the front of the appeal building and some of the buildings along the road. I also observed that the adjacent building on the corner of Kember Street and Caledonian Road has an air conditioning unit in a similar position. Given the presence of these features, the proposed equipment would not appear discordant in this context.
12. The proposed air conditioning unit would be relatively small when considering the overall width of the frontage. The proposed satellite dish would be bigger than the existing satellite dishes, but at about 0.8m in height, it would not be excessive. Because of their overall size and limited projection, the proposed equipment would not obscure any features of the façade. In this regard, the proposal would comply with the aims of the Urban Design Guide Supplementary Planning Document 2017 (the SPG). The large expanse of the flat roof of the canopy would still be visible and would remain the predominant visual feature. The positioning of the proposed equipment would therefore not undermine the design of the building.
13. As the proposed equipment would be seen, it would not strictly comply with the CA guidelines. However, visibility does not automatically equate to harm. The guidelines also emphasise the importance of rooflines on a terrace. As the equipment would be well below the main roof, it would not disrupt the roofline of the terrace. The spacing between the equipment would also help to alleviate the perception of a cluttered appearance from additional equipment on the frontage.
14. For these reasons, I conclude that the proposal would have a neutral effect on the character of the building and would therefore preserve the character and appearance of the CA as a whole. Accordingly, it accords with Policies PLAN1 and DH2 of the SDMP, Policy HC1 of the London Plan 2021 and the Framework. Amongst other things, these policies require development within conservation areas to conserve or enhance the significance of the area.

#### *Appeal B*

15. There is a wide variety of shopfront signage along the road, which differ in size, colour and illumination. There is also a broad mix of projecting signs that range in size, adding to the diversity of advertisements within the CA.
16. As the proposed fascia signs would fit comfortably on the front and side elevation, the overall size and scale would be acceptable and would not dominate the building. The fascia signs would comprise a bold design. However, the lettering would be confined to the central part of the fascia.

When seen in the wider context, where other such dark-coloured signage already exists, the proposed signage could not reasonably be described as inappropriate.

17. The appellant asserts the proposed projecting sign would be slightly longer than the existing projecting sign at the adjoining building. I have viewed this existing sign and its projection did not appear as conspicuous, although I accept it differs in design from that proposed. I am not aware of the Council's dimension standards for such signage. Nonetheless, the proposed projecting sign would be similar in size to other projecting signs in the locality and would therefore not appear excessive.
18. The front and side elevation would each have a fascia sign, accounting for the corner nature of the building, similar to other corner buildings. As the projecting sign would be located at one end, the signage would not be cluttered. It would be seen as part of a spaced pattern of projecting signs at fascia level and would assimilate well within this varied context.
19. Internal illumination is not supported by the CA guidelines and the SPG. However, these guidelines should not be applied prescriptively to the exclusion of all other factors. Even if I were to accept that this method of illumination results in bulky signage, this type of illumination would be similar to the illumination of the nearby signage. There is limited evidence before me to demonstrate the method and level of illumination would make the proposed signage significantly more overpowering than the nearby signage. In any case, illumination in this context is not unusual.
20. Overall, I conclude that the proposal would not cause harm to amenity. It would have a neutral effect on the character of the building, preserving the character and appearance of the CA. I have taken into account Policies DH1, DH2 and PLAN1 of the SDMP. As I have found that the proposal would not harm amenity, it accords with these policies.

## **Conditions**

21. In respect of Appeal A, I have considered the Council's suggested conditions in light of the tests within the Framework and Planning Practice Guidance and have made amendments where necessary in the interests of clarity. The main parties have been given the opportunity to comment on these conditions.
22. In addition to the statutory implementation condition, it is necessary to define the approved plans in the interests of certainty. It is also necessary to impose a condition to secure the submission of a sustainable design and construction statement to ensure the proposal delivers a sustainable form of development.
23. The Council's delegated report refers to a condition to limit the noise emitted from the air conditioning unit to be below background noise levels. This condition has not been suggested by the Council in their submission. However, as the air conditioning unit would be near residential windows, this condition is necessary to protect living conditions.
24. In respect of Appeal B, the five standard conditions as set out in the Regulations apply.

**Conclusion**

25. For the reasons given above the appeal should be allowed.

*L Reid*

INSPECTOR