



Appeal Decision

Site visit made on 23 May 2024

by C Hall BSc MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 June 2024

Appeal A Ref: APP/V5570/W/23/3331791

Pavement opposite 333 Goswell Road, Islington EC1V 7DG

- 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 JCDecaux UK Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2023/1902/FUL, dated 3 July 2023, was refused by notice dated 22 September 2023.
 - The development is for the proposed installation of a multi-functional Communication Hub including advertisement displays.
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Appeal B Ref: APP/V5570/Z/23/3331792

Pavement opposite 333 Goswell Road, Islington EC1V 7DG

- 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 JCDecaux UK Ltd against the decision of the Council of the London Borough of Islington.
 - The application Ref P2023/1971/ADV, dated 3 July 2023, was refused by notice dated 22 September 2023.
 - The advertisements proposed are described as the proposed installation of a multi-functional Communication Hub including advertisement displays.
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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.
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Main Issues

5. The main issue in respect of Appeal A is the effect of the proposal on the character and appearance of the area, including the Duncan Terrace/Colebrooke Row Conservation Area (CA), and upon highway and pedestrian safety. The main issues in respect of Appeal B are the effect of the proposed advertisements on the visual amenity of the area and public safety.

Reasons

Character and appearance/Visual Amenity

6. The appeal site is positioned immediately in front of commercial frontages in a bustling and vibrant commercially-orientated area of Islington. The wider neighbourhood generally consists of a range of offices, retail and residential premises.
7. Items of street furniture are present near the site, including lighting columns, an information point, cycle racks, litter bins, cabinets and benches. Nevertheless, the wide width of the Goswell Road and the public amenity area at the junction with City Road, together with numerous street trees, gives an overall sense of spaciousness.
8. The site is within the CA; the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) provides at s72(1) that with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
9. The guidelines of the Duncan Terrace/Colebrook Row Conservation Area Design Guide (2002) are directly applicable to the scheme. It provides a useful and relevant analysis of the CA and makes clear that materials in new development should be sympathetic to the character of the area in terms of form, colour and texture, and that signs, display panels and advertisements should be appropriately located and of a suitable size and design.
10. The significance of the CA is primarily derived from the network of streets enclosing rectangular blocks of Georgian and Victorian housing over an extensive area. Within the immediacy of the appeal site, the Angel Clock Tower is a prominent feature of the streetscene. The advertising, branding, and fascia signs present on nearby buildings in retail and commercial use at ground floor level is mostly unobtrusive in appearance.
11. In this particular context, the proposed hub would be a tall and wide structure, with a rectangular block-like design. Due to its height and design, in its prominent location near a busy junction, the scheme would be viewed as an imposing and visually incongruous item of street furniture which would unduly detract from the visually restrained and aesthetically-pleasing facades and fascia signs present on the commercial and retail frontages near the site at ground floor level. Moreover, due to its fairly large scale in comparison with most other items of nearby street furniture, and its conspicuous positioning on the footway, it would serve to add visual clutter to the street scene.
12. The placement of the proposed LCD display would make it unduly prominent for the reasons given above. I therefore conclude on this issue that the proposal would harm visual amenity.

13. I appreciate that the existing telephone box on the opposite side of the road would be removed, however this is modestly positioned adjacent to other low level street furniture and set against the backdrop of wall and railings at City and Islington College; as such the appeal scheme would be a good deal more conspicuous than the kiosk it would replace, and represent a discordant feature on this ribbon of pavement.
14. With regard to Appeal A, I conclude that the proposal would have a harmful effect on the character and appearance of the area. It would contravene Policy PLAN1 of the SDMP, Policies D3 and D4 of the London Plan 2021 (LP) and the Urban Design Guide, which collectively require that the public realm is well-designed and attractive.
15. 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.
16. 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.

Highway and Pedestrian Safety/Public safety

17. The area surrounding the appeal site on Goswell Road is a heavily trafficked thoroughfare leading to a busy junction with City Road, and lined by pavements with pedestrians. This combination of factors requires motorists to have particular focus in order to avoid conflict with other road users.
18. Nonetheless, Goswell Road is a one-way system and, being a straight stretch of road, would allow motorists time to register the hub and advertising at the site when travelling in a broadly north-westerly direction. Moreover, to my mind the location of the proposal would be significantly distant from the A501 junction as to prevent any undue distraction upon approach to the traffic lights.
19. I have carefully considered the concerns of the Council and Transport for London with regards to the bright illumination of the adverts and change of display distracting drivers and increasing the risk of collision between vehicles, cyclists and pedestrians. However, I have not been provided with any accident data to support the issues raised, or to suggest that there are public safety matters locally.
20. 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.
21. With regard to Appeal A I find that the proposal would not cause material harm to highway and pedestrian safety. It would accord with Policy T1 of the SDMP and Policies T2 and T4 of the LP, 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.
22. In terms of Appeal B, I am satisfied that the advertisement would not have a harmful effect on public safety. The scheme would meet with the objectives of policy DH6 of the SDMP.

Other Matters and Planning Balance

23. The proposals would provide a number of benefits to the local community. In summary these include free ultrafast Wi-Fi, free phone calls to landlines, access to charities and Council services, a defibrillator, wayfinding, device charging, public and community messaging, environmental monitoring, and access to public and emergency services. I also note that the unit screens are powered by green energy and lit using high-capacity batteries, powered by solar energy.
24. 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 Framework, including paragraph 118 of the Framework which provides that, amongst other things, advanced, high quality and reliable communications infrastructure is essential for economic growth and social well-being, and that planning decisions should support the expansion of electronic communications networks, including next generation mobile technology (such as 5G).
25. Whilst I also appreciate that the proposed 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 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.
26. On the other hand, the proposal would give rise to adverse impacts in relation to the unacceptable effect on the character and appearance of the area, and on highway safety, in the terms I have described above. As the Framework provides at paragraph 131 that, amongst other things, the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve, I ascribe substantial weight to these harms.
27. 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.
28. 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

29. Based on all matters advanced, I consider that both Appeal A and Appeal B should be dismissed.

C Hall

INSPECTOR