
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/23/3331793

Pavement outside Chronicle Tower, 261B City Road, Islington EC1V 1AJ

- 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 P2023/1904/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 display.
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Appeal B Ref: APP/V5570/H/23/3331795

Pavement outside Chronicle Tower, 261B City Road, Islington EC1V 1AJ

- 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 P2023/1964/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 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 relates to a section of pavement on City Road. This part of the thoroughfare is dominated by tall office and apartment blocks and is an busy area for traffic and pedestrians. The ribbon of pavement contains relatively little variety in terms of street furniture, with railings, lamp posts, bollards and raised beds predominating.
7. The proposed hub would be located prominently on the pavement, appearing as a large flat panel which would be positioned to directly face pedestrians. I recognise that the site is not located with an area designated for its heritage value, and 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; as such the appeal scheme would be a good deal more conspicuous than the kiosk it would replace. It would represent a discordant feature on a comparatively clear stretch of footway.
8. There are no immediate illuminated shop or retail frontages in the locale with which the advertisement display could assimilate, and consequently its situation would make it unduly incongruous. I therefore conclude on this issue that the proposal would harm visual amenity.
9. 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.
10. 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.
11. 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

12. City Road is a heavily trafficked thoroughfare, and the appeal site is located close to a signalised crossroads with pedestrian crossings. This combination of factors requires motorists to have particular focus in order to avoid conflict with other road users in this busy area.
13. The new hub and advertisement would be orientated towards motorists travelling in broadly south-easterly or north-westerly directions along City

Road. Being a straight stretch of road, this would allow drivers time to register the new form of advertising at the site. However, I saw that this would not be the case for motorists entering City Road from Graham Street and Central Street to travel south-east, and meeting with pedestrians using the crossing at this point.

14. 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.
15. 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 either Graham Street or Central Street onto City Road. As a result, the incongruous advertisement 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.
16. 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 outweigh the detriment I have reasoned previously.
17. As such, the proposal would fail Policy T1 of the SDMP, which seeks to promote and prioritise the safety of pedestrians and cyclists and are therefore is material in this case. In addition, it would also contravene Policies T2 and T4 of the LP regarding public safety.

Other Matters and Planning Balance

18. 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.
19. 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).
20. 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.

21. 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.
22. 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.
23. 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

24. For the reasons given above and having regard to all other issues, both Appeal A and Appeal B are dismissed.

C Hall

INSPECTOR