



Appeal Decisions

Site visit made on 20 March 2025

by **Andy Harwood CMS MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 June 2025

Appeal A Ref: APP/V5570/C/24/3338389

344 Upper Street, London N1 0PD

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended). The appeal is made by Angel Vape Limited against an enforcement notice issued by the Council of the London Borough of Islington.
 - The notice was issued on 10 January 2024.
 - The breach of planning control as alleged in the notice is: Without planning permission, the installation of an aluminium shopfront and solid roller shutter and associated boxing.
 - The requirements of the notice are to:
 - i) Remove the aluminium shop front, solid roller shutter and its associated boxing, fixings and brackets from the frontage of the property.
 - ii) Upon the completion of step i above, remove all the resulting associated waste materials from the land thereafter.
 - iii) Reinstall a timber shop frontage with glass fanlights, timber stall riser and timber and glass entrance door to match the materials, design, appearance, colour and proportions of the previous shopfront as noted in the attached photograph marked A.
 - The period for compliance with the requirements is: Five (5) calendar months.
 - The appeal is proceeding on the ground[s] set out in section 174(2)(a), (f) and (g) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Appeal B Ref: APP/V5570/W/23/3336100

344 Upper Street, Islington, London, N1 0PD

- 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 Mr Delpit Singh Arora against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2023/2714/FUL dated 19 September 2023 was refused by notice dated 8 November 2023
 - The development proposed is described as “Retention of an existing advertisement panel and shopfront.”
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Appeal C Ref: APP/V5570/Z/23/3336099

344 Upper Street, Islington, London N1 0PD

- 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.
 - The appeal is made by Mr Delpit Singh Arora against the decision of the Council of the London Borough of Islington.
 - The application Ref P2023/2730/ADV dated 19 September 2023 was refused by notice dated 8 November 2023.
 - The advertisement proposed is described as “Retention of an existing advertisement panel and shopfront.”
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Appeal A Decision

1. It is directed that the enforcement notice is varied by deletion in Schedule 5 (Time for Compliance) of “five (5) calendar months” and its replacement with “eight (8) calendar months”. Subject to the variation, the appeal is dismissed, the

enforcement notice is upheld and planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal B Decision

2. The appeal is dismissed.

Appeal C Decision

3. The appeal is dismissed.

Preliminary Matters

4. In Appeal A under ground (a), planning permission is sought for what is alleged on the notice. The terms of the deemed application for planning permission are therefore limited to the breach of planning control. Appeal B is concerned with the retention of the development. I will therefore deal with these matters together.
5. In Appeal A under ground (f), the appellant has requested that the notice could be varied to enable the installation of a brick-bond roller shutter across the shop-front after the current steps are complied with, if I have reached the conclusion that the alleged development is unacceptable under ground (a). I cannot consider the construction of a different type of shutter in such circumstances because they are not part-of the development as alleged. They would not therefore be within the terms of the deemed planning application.
6. Appeal C will be considered separately. I have used the description above from the application form. However, the appeal relates to the refusal of advertisement consent only with the shopfront being considered in the other appeals. Whilst the description is in the singular, there are also advertisements on the shutter housing immediately above the shop-window which are shown on the drawings and which read as a part of the signage at fascia level.

Appeal A on Ground (a) and Appeal B

Main issue

7. The main issue is the effect of the development on the character and appearance of the area, including whether it would preserve or enhance the character or appearance of the Angel Conservation Area (the CA).

Reasons

8. The appeal site is in a busy part of north London with predominantly commercial properties at ground floor level. The site is alongside a wide pavement which in turn is alongside the very busy Upper Street. Some shop-fronts along both sides of Upper Street retain the basic form and style of traditional shop-fronts. Many have been altered and modernised though. There are examples of larger commercial buildings as well such as the Business Design Centre opposite the site but generally speaking the area is dominated by the terraces of commercial ground level premises with other uses above. There are some back-streets which have a more intimate and traditional character, less dominated by traffic.
9. The adjoining property at No 346 Upper Street has a traditional form of shop-front. It has an asymmetric appearance with the shop-window on one side with stall-riser below, a door on the other side recessed back from the pavement edge, a narrow

window running across the whole width and then an advertising fascia above with cornices and scrolled corbels detailing the tops of pilasters on either end. The notice includes a photograph of the appeal site prior to the changes as does the appellant's statement. It previously had a similar appearance to No 346.

10. The replacement shop-front has involved the removal of the stall-riser, incorporation of a large window and an entirely glazed, frameless door. In addition, at fascia level, two large, protruding powder coated metal boxes matching the window surround, with adverts on them have been installed which completely obscure any detailing behind on the original fascia. The materials lack any of the finesse of traditional timber joinery that the shop-front previously possessed. A very small element of the cornicing and the corbel can still be seen from right in front but the substantial, projecting boxes have reduced any possible appreciation of those features to a mere bagatelle or trifling remnant. I agree with the appellant that the shopfront provides a visual focus, drawing attention but not in a way that respects the character of the CA that the Council is attempting to retain. Furthermore, when the roller-shutter housed within the lower box above the window and door is closed, it provides a solid, visual obstruction. The bright colour accentuates these impacts and the result is the creation of a harsh environment at street-level.
11. Both the appeal site and No 346 are identified within the Council's April 2010 Register of Locally Listed Buildings and Locally Significant Shopfronts (LLBLSS register). The appeal site is described there as "*Timber panelled stallriser, clear glass window, metal strip vent, painted timber fascia, two brackets intact, panelled timber/glass door, timber fanlight with metal bars. Timber cornice.*" The appellant refers to the appeal site not being on the list of buildings to be retained in schedule 18.1 of the 2002 Angel (CA 18) Conservation Area Design Guidelines (CADG). The shopfront is however in schedule 18.3 stating what shop-fronts should be retained. There are other apparent modern changes that have occurred in the surrounding CA, including some within this terrace, and within Upper Street generally. The CADG along with the LLBLSS register assist in identifying the valued and significant remaining shop-fronts. In this context, the remaining traditional shop-fronts have greater significance.
12. The shop-front prior to the unauthorised development was in its own right a non-designated heritage asset and the loss of it has been to the detriment of the character and appearance of the wider CA, a designated heritage asset. Tinkering with it such as the suggested change to a brick-bond style shutter which would allow views through, would not overcome the harm to the appearance of the property when the shutter is closed. It would lessen the impact of the stark, solid shutter but would reveal a view of an inappropriate shop-front. The shutter installed at No 346 allows views through of a traditional shop-front and is not comparable to the current shutter or shop-front at the appeal site.
13. In relation to the main issue, the development has had a harmful impact upon the character and appearance of the area and would not therefore preserve the character of the CA. This would not comply with Policy DH1, DH2 and PLAN1 of the Islington Local Plan, Strategic and Development Management Policies, September 2023 (ILP). These require, amongst other things, designated and non-designated heritage assets to be conserved and enhanced in a manner appropriate to their significance, including locally significant shopfronts. Proposals that unjustifiably harm the significance of a non-designated heritage asset or their

setting will generally not be permitted. It also does not comply with London Plan 2021 Policies D3, D4 or HC1. These, amongst other things, seeks to ensure a design-led approach requiring the consideration of options to determine the most appropriate form of development responding to context, that heritage assets are respected and enhanced along with the maintenance of design quality conserving the significance of heritage assets.

Other matters and overall balance

14. The National Planning Policy Framework (the Framework) requires that the less than substantial harm that I have identified in relation to the significance of the CA is weighed against the public benefits of the development.
15. The appellant undertook the development not knowing initially that it required planning permission. They say that the original shop-front was beyond repair and as a result had a detrimental impact upon the street-scene. These matters are not however evidenced by reports or surveys of people experienced in such repairs. The shop-front is very unobstructed and open, letting lots of light into the premises without the timber of the traditional shop-front.
16. The appellant has provided crime statistics for the surrounding area. I can appreciate that the new shop window may help in the surveillance of people in the premises during trading hours possibly preventing shop-lifting. The shutter may also help protect the shop when it is not open to the public.
17. The design and bright colouring may additionally draw attention to the business in the busy high-street. The Framework states that significant weight should be placed on the need to support economic growth and productivity. I do not however have evidence or expert opinions to know how much difference the changes to this shop-front will have made to this particular business.
18. These positive factors may be public benefits as well as being beneficial to the business owners. These matters do add weight in favour of the proposal but they are insufficient public benefits to outweigh the harm to the CA.

Conclusion on the planning merits

19. Overall therefore, the other matters and any potential advantages of the development do not outweigh my conclusions on the main issue. For these reasons, having had regard to the development plan as a whole and all other material considerations, I conclude that Appeal A on ground (a) should fail and consequently, the deemed planning application shall be refused. For the same reasoning, Appeal B will be dismissed.

The Appeal on ground (f)

20. The appeal on this ground is that the steps required exceed what is necessary to achieve the purpose of the notice. The Council has referred to the requirements remedying the harm. I therefore consider that with respect to s173(4) of the Act, the purpose is as set out in sub-section (b), to remedy any injury to amenity caused by the breach.
21. As I have explained in the preliminary matters section above, the appellant seeks under this ground of appeal to replace the existing roller shutter with a brick-bond style shutter which would allow views through of the shop-front after the existing

steps on the notice have been complied with. My explanation sets out why I cannot consider the planning merits of that. That would also involve an additional step to be added to the notice rather than reducing the scope of the notice in order to achieve compliance. Furthermore, it is not an obvious solution that would remedy the harm caused or therefore achieve the purposes of the notice.

22. The appeal under ground (f) is dismissed.

Appeal A on ground (g)

23. The appeal on this ground is that any period specified in the notice falls short of what should reasonably be allowed. The notice requires the removal of the unauthorised shop-front as well as the reinstatement of a timber frontage complying with the photograph attached to the notice, all within 5 months.

24. The appellant has explained that there is a great deal of work to be undertaken in order to carry out the requirements in a satisfactory way. This would include the instruction of specialist contractors who would be able to undertake intricate joinery work to replicate the original features. Whilst there is no evidence from such contractors, I can appreciate that it can be difficult to find suitable professionals and that the work may be expensive. I am also conscious of the appellant's concerns about security and an extension of the period would enable further discussions and procedures to take place, regarding alternative shutters.

25. I consider that the reality of organising the work more so than the costs is a factor to weigh up when considering what would be a reasonable period. The appellant has requested 8 months which I agree would strike a better and more proportionate balance to ensure that in the interests that I have discussed in ground (a) are safeguarded whilst allowing a more reasonable period to comply.

26. The appeal under ground (g) is allowed.

Appeal C

Main issue

27. There is no dispute about the advertisement having any impacts upon public safety. The main issue is therefore the effect of the advertisements on the amenity of the area, including whether they would preserve or enhance the character or appearance of the CA.

Reasons

28. The CA contains a large number of commercial premises. Most of these premises at ground level have fascia advertisements above their respective shop windows. These are generally set below the first floor window-sill levels of the properties.

29. The previous shop-front fascia had traditional refinement set well below the upper window-sill level. The decorative details of the shop-front were clearly visible as I mention in Appeal A. In stark contrast, the new signage is on 2 boxes which protrude from the fascia obscuring traditional detail and interrupting views of the details on the adjoining properties. They appear as bright coloured, garish, incongruous additions on the front of the property in a prominent position within the street-scene.

30. By reason of the height, bulk and prominent position of the advertisements on the frontage of the property, in relation to the main issue they have a harmful effect on the amenity of the area and would not preserve the character or the appearance of the CA. In addition, this does not comply with ILP Policies DH1 and PLAN1.
31. I therefore conclude that Appeal C should be dismissed.

Conclusion - Appeal A

32. For the reasons given above, I conclude that the appeal should not succeed. I shall uphold the enforcement notice with variation and refuse to grant planning permission on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Conclusion - Appeal B

33. The appeal will be dismissed.

Conclusion - Appeal C

34. The appeal will be dismissed.

Andy Harwood

INSPECTOR