
Appeal Decisions

Site visits made on 1 and 2 December 2025

by **M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal A Ref: APP/V5570/W/25/3362089

Land outside 266 Pentonville Rd, London N1 9JY

- 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 Thomas Johnston [New World Payphones] against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2024/3245/FUL.
 - The development proposed is the removal of existing telephone box followed by the installation of 1 no. communications kiosk with integrated advertising display.
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Appeal B Ref: APP/V5570/H/25/3362091

Land outside 266 Pentonville Rd, London N1 9JY

- 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 Thomas Johnston [New World Payphones] against the decision of the Council of the London Borough of Islington.
 - The application Ref is P2024/3255/ADV.
 - The advertisement proposed is the removal of existing telephone box followed by the installation of 1 no. communications kiosk with integrated advertising display.
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Decision

1. Appeal A – The appeal is dismissed.
2. Appeal B – The appeal is dismissed.

Preliminary Matters

3. The descriptions of development in the banner headings above are taken from the Council's decision notices as they more accurately describe the proposals. The 2 appeals relate to the same overall proposal. Appeal A seeks planning permission for a new telephone kiosk incorporating a digital panel. Appeal B seeks advertisement consent for the display of a single illuminated and sequential portrait panel integrated within the kiosk. I have considered each part of the proposal on its individual merits. However, to avoid duplication, I have addressed the two parts of the proposal together, except where otherwise indicated.
4. In respect of Appeal B, the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered in the interests of amenity and public safety, taking into account the provisions of the development plan, so far as they are material, and any other relevant factors. Although this regime is a lighter touch process than the system for obtaining planning permission, the effects of a proposed advertisement on amenity and public safety still require due consideration. Factors relevant to amenity

include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest¹.

5. I visited the appeal site on the evening of the 1st and the morning of the 2nd December 2025 to observe the appeal site during daylight and the hours of darkness.

Main Issues

6. The main issues in relation to these appeals have flowed from the Council's reasons for refusal laid out on its decision notices. The appeal site lies in proximity to the Grade II listed building of 272-276 Pentonville Road and Scottish Stores Public House 2-4 Caledonian Road. I shall refer to this as 'the listed building' throughout my decision.
7. S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires me to have special regard to the desirability of amongst other things, preserving the setting of a listed building. Consequently, I have incorporated this consideration into the first main issue for each appeal as set out below. The main parties were given the opportunity to comment on this matter during the appeal process and the responses received have informed my decision.
8. The main issues in relation to Appeal A are therefore, i) whether the proposal would preserve the setting of the listed building and preserve or enhance the character or appearance of the Kings Cross Conservation Area (KCCA) and ii) the effect on highway safety, with particular regard to pedestrian movement.
9. The main issues in relation to Appeal B are i) the effect of the proposal on the amenity of the area having regard to heritage assets and ii) the effect on public safety.

Reasons

Significance and Amenity (Appeals A and B)

10. The appeal site lies within the KCCA, close to the Grade II listed building. This 5-storey Edwardian building has distinctive pink granite, glazed brick and terracotta tiles and forms a corner landmark at the road junction. Architecturally, it is of a high quality, featuring amongst other things, an original pub frontage, pilasters and entablature to windows and a corner tower with metal cresting. The listed building's significance arises principally from its historical interest as a material record of the area's evolution and from its aesthetic composition. Its significance also derives in part from its setting, being the surroundings in which it is experienced. This includes a mixed urban character with residential, office and other uses above commercial premises that possess a variety of small-scale signage. The listed building forms an integral and important component of the urban built backdrop.
11. The significance of the KCCA derives from the historic development of the area as a major transport hub and industrial centre during the 19th century. Much of the development is of a similar period to Kings Cross Station (1852) which lies outside of the KCCA. There are a variety of architectural styles and scales with commercial uses at ground floor level, creating a strongly urban character typical of central London. The KCCA is described as a remarkable survival of a complete

¹ Regulation 3(2)(a).

early to mid-19th century townscape². The mix of land uses and the proximity to a major transport hub produces a vibrant character to the area.

12. The appeal site currently comprises a telephone kiosk sited on the northern pavement of Pentonville Road. At the time of my visit, it did not display any advertisements. The existing kiosk has been the subject of graffiti and is of a poor visual quality. Together with other street furniture, road signage and 'A' boards it contributes to a cluttered pavement that detracts from the quality of architecture, including the nearby listed building and the appearance of the wider KCCA.

Impact of the Proposal (Appeals A and B)

13. The proposed kiosk would have a modern design evocative of traditional British phone boxes. It would include a digital display on the rear capable of displaying several different static advertisement images over time. However, it would have a greater scale than the existing structure arising from an increased width and height. Its position on the pavement and the rear digital display would render it prominent and highly visible, particularly to pedestrians and vehicular traffic heading east from Kings Cross Station.
14. Paragraph 21.25 of the Kings Cross Conservation Area Design Guidelines (2002) states that internally illuminated signs will not normally be permitted within the KCCA. The digital display would comprise frequently changing internally illuminated signage facing down the pavement. Whilst advertisements are common in the area, they are typically fascia and shopfront signs seen against the backdrop of the host building and in connection with the particular business it is associated with. That would not be the case with the proposed freestanding digital display, which notwithstanding its potential use for public announcements, would display large advertisements unrelated to nearby businesses.
15. I acknowledge that some of the existing shop fronts in the area have signage with internal illumination. However, it is unknown as to whether these have been authorised through the granting of consent. Such illumination generally occurs above head height at fascia level, unlike the proposal which would be at eye level and below. The exceptions are the 2 advertisements within the bus shelter opposite which are lit but static and face the road rather than the pavement. It seems to me that the proposed kiosk and digital display would be a wholly different form of development and type of advertisement to those found nearby.
16. The ground floor of No 266 Pentonville Road is in commercial use as a Sainsbury's supermarket. However, it and the adjacent listed building do not have active shop frontages. At night, No 266 and the listed building are recessive and dark due to the lack of open frontages and the absence of illuminated external signage. Even if the proposed luminance levels were to accord with industry recommendations and could be secured by planning condition, the proposal would still introduce a bright, eye-catching display. Such illumination would reflect off the adjacent historic façade at night, harmfully altering and detracting the way it is perceived in public views. The backlit ATM within the frontage of No 266 already demonstrates such harm.
17. Due to its scale, its eye-catching position and changing content format, the proposed kiosk and digital display would create a discordant feature within the

² As stated within the Kings Cross (CA21) Conservation area Design Guidelines (2002).

street scene, adding to the existing visual clutter. It would intrude into short and medium vistas towards the listed building, as well as other historic facades including that of No 266. The proposed kiosk and digital display would distract the eye and diminish the quality of the historic environment, adversely altering how the heritage assets are experienced and the ability to appreciate their significance.

Conclusion – First Main Issue (Appeals A and B)

18. In relation to Appeal A, I find that the proposal would fail to preserve the setting of the listed building and fail to preserve or enhance the character or appearance of the KCCA, thereby causing harm to their significance. It would conflict with Policies DH1 and DH2 of the Islington Local Plan; Strategic and Development Management Policies (SDMP) 2023, which together seek amongst other things, to conserve and enhance the historic environment. These objectives are also shared by Policy HC1 of the London Plan; The Spatial Strategy for Greater London (London Plan) 2021 supplemented by Policies D3, D4 and T2 which seek design quality and healthy streets that improve amenity.
19. For the same reasons, in respect of Appeal B I find that the proposal would have a harmful effect on the amenity of the area having regard to heritage assets. While not decisive, the proposal would conflict with the policies of the SDMP and the London Plan as detailed above.

Public Benefits and Balance (Appeal A)

20. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the assets' conservation. That is irrespective of the magnitude of that harm. Consistent with that approach, paragraph 213 sets out that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification.
21. The harm to the significance of the listed building and KCCA would be at the lower end of less than substantial harm. I note this accords with the appellant's assessment that the proposal would cause less than substantial harm to the setting of the listed building³. However, this is important, given the negative effects exerted and should not be mistaken for less than substantial objections. Paragraph 215 advises that these harms should be weighed against the public benefits of the development.
22. The removal of the existing kiosk would be a visual enhancement and an accessible replacement would attract modest weight. The provision of free communication services to the public such as phone charging, mapping information, telephony, internet access and a defibrillator also weigh in favour of the proposal. However, there is no evidence to suggest that such benefits can only be delivered in this location and I have found harm arising from the scale and form of the proposed development. This diminishes the weight that can be attached to these benefits.
23. In partnership with 'Trees for Cities' the appellant will plant a tree on an urban street for every kiosk installed. Although the environmental aims are commendable, I am not satisfied that it would be relevant to the development to be

³ As set out in the appellant's 'Site Assessment – Heritage Response' received by email dated 5 December 2025.

permitted. Neither is there a mechanism before me to secure the planting or confirm its location. Furthermore, no details have been provided on the contribution that the proposal would make to business rates or its public benefit. These matters attract no more than limited weight.

24. The harm to the setting of the listed building and KCCA both carry great weight. The public benefits cumulatively, carry no more than modest weight, such that they are insufficient to outweigh the harm identified.

Highway Safety, Pedestrian Movement and Public Safety (Appeals A and B)

25. Policies T1, T2 and T4 of the SDMP work together to ensure that all development positively engages with the public realm, providing safe, legible and permeable routes. Policy T2 specifically requires development to incentivise walking by amongst other things, resisting proposals that negatively affect the public realm ensuring safe, convenient and continuous routes for pedestrians.
26. Pentonville Road is a well-trafficked road with part of the route restricted to a bus and cycle lane only. Although, a snapshot in time, pedestrian activity on the northern pavement where the appeal site lies was high during both the day and evening. The pavement is not particularly wide given the volume of pedestrian traffic that uses it. While street furniture such as lights and road signage within the pavement provide obstacles for pedestrians, they are slimline and do not significantly intrude on the useable area of the pavement or visibility.
27. The existing kiosk is set back onto the pavement away from the kerb edge in proximity to a waste bin, narrowing the useable area of pavement. Due to the volume of pedestrians in both directions, the resultant pinch point created with the adjacent building can hinder the free flow of pedestrian movement. The solid back of the kiosk prevents views ahead, causing conflict when pedestrians meet from opposite directions. To avoid oncoming pedestrians, I observed people weaving between the bin and the kiosk along the pavement edge. This pushed them closer to the road and the adjacent cycle lane where the potential for conflict is a greater risk.
28. Transport for London (TFL) Streetscape Guidance (2022), advises that telephone boxes should not be fitted on streets where unobstructed footway widths would be reduced to below 2,000mm wide⁴. Although the appellant suggests compliance with this requirement, that did not chime with my observations during my visit. The suggested gap between the proposed kiosk and No 266 as shown on the proposed site plan⁵ appears overstated, as the measurement is taken from a point behind the building line. In reality, the available space is already limited. The greater scale and solidity of the proposal would further reduce pedestrian space and hinder sightlines, worsening an already poor situation. It has not been conclusively demonstrated that the proposal would comply with the TFL Guidance.
29. The obstruction caused by the proposed kiosk would make the walking environment less convenient, albeit to a localised extent. This would be particularly problematic for people with mobility impairments, parents with prams and young children and wheelchair or scooter users. During periods of high pedestrian flow, more pedestrians would be forced around the kiosk close to the road and

⁴ Section 11.11 of the Streetscape Guidance as referred to by both parties.

⁵ Drawing number CK0033/02.

potentially into the adjacent cycle lane. This would increase the risks and thus, be harmful to public and highway safety. In this regard, my concerns echo those of TfL who objects to the proposal.

30. The digital display would directly face eastbound pedestrian and vehicular traffic on Pentonville Road. Given the nearby signal controlled junction, vehicles are moving at typically low speeds. Subject to controls on image sequencing and illumination, I am satisfied that the effects on road users could be mitigated.
31. The proposed development in respect of Appeal A would cause an obstruction within the pavement, restricting permeability on a well-used route to and from Kings Cross Station. It would therefore have an unacceptable impact on highway safety with particular regard to pedestrian movement. Conflict would arise with Policies T1, T2 and T4 of the SDMP as set out above, and Policies T2 and T4 of the London Plan, which promote healthy streets and seek to reduce negative impacts on the transport network, including pedestrian routes.
32. Although the proposed digital display would not unduly distract drivers, the obstruction to the free flow of movement would put pedestrians at greater risk of conflict with road users, particularly cyclists. For the same reasons as set out above, I find Appeal B would result in harm to public safety.

Other Matters

33. Reference is made to 2 appeal decisions that permitted an internally illuminated digital panel at the appeal site⁶ in 2017 and 2019. Both appeals related to the effects of displaying an advert only and did not consider the planning merits of the associated kiosk. Neither consent was implemented and from the evidence before me, they are no longer extant.
34. Those appeals were determined under a different local and national policy context, prior to the adoption of the SDMP and the current iterations of the London Plan and the Framework. The 2017 advert faced Pentonville Road and thus was materially different in its street scene impact. The Inspector in the 2019 appeal gave weight to the amount of existing street furniture and clutter and prevalence of existing signage. Both Inspectors made it clear that their decisions did not imply acceptance of the kiosk structure as that was beyond the scope of consideration for the advertisement consent appeals.
35. Whilst consistency in decision-making is important, in my view the perpetuation of visual clutter is not a justification for further harmful development in the KCCA or which detracts from the setting of the listed building. The traffic lights, street lighting and road signage are necessary pieces of street furniture installed to perform a specific function in that locality. However, there is no compelling evidence to demonstrate that the telephone kiosk and its associated facilities including advertising, is explicitly required in this location.
36. Over time, the cumulative impact of insensitive incremental changes can erode the quality and significance of heritage assets. The SDMP, London Plan and the Framework all expect new development to be of a high quality that respects its specific context. As explained above, the changing images and internal

⁶ Appeal reference numbers APP/V5570/Z/17/3178894 and APP/V5570/Z/19/3232916.

illumination generated by the proposed advertisement would be materially different to other signage nearby. The previous appeal decisions do not alter my findings.

Conclusion

37. In respect of Appeal A, the proposed kiosk would fail to preserve the setting of the listed building, fail to preserve or enhance the character or appearance of the KCCA and would be harmful to highway safety with specific regard to pedestrian movement. There are no material considerations or public benefits of sufficient weight to outweigh the conflict with the development plan.
38. In respect of Appeal B, the proposed digital advertisement would harm the amenity of the area and public safety.
39. For the reasons given, I conclude that both Appeals A and B should be dismissed.

M Clowes

INSPECTOR