
Appeal Decisions

Site visit made on 21 November 2016

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7 December 2016

Appeal Ref A: APP/M4510/Z/16/3156165

36-40 Clayton Street, Newcastle upon Tyne NE1 5PF

- 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 BLOW UP MEDIA UK LTD against the decision of Newcastle City Council.
 - The application Ref: 2016/0655/01/ADV, dated 28 April 2016, was refused by notice dated 27 July 2016.
 - The advertisement proposed is described as a temporary decorative scaffold shroud screen advertisement comprising a 1:1 image of the building façade with an inset area for advertising measuring 6m X 15.7m for a period of 12 months.
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Appeal Ref B: APP/M4510/Z/16/3160273

36-40 Clayton Street, Newcastle upon Tyne NE1 5PF

- 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 BLOW UP MEDIA UK LTD against the decision of Newcastle City Council.
 - The application Ref: 2016/1251/01/ADV, dated 10 August 2016, was refused by notice dated 5 October 2016.
 - The advertisement proposed is described as temporary decorative scaffold shroud screen advertisement comprising a 1:1 image of the building façade with an inset area for advertising measuring 6m x 11.7m for a period of 12 months.
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Decisions

1. The appeals are both dismissed.

Preliminary Matters

2. There are two key issues in respect of advertisement consent. These are the effect on amenity and the effect on public safety. In each of these cases the public safety point raises the matter of highway safety because of proximity to a road junction. However, provided that the advertisement is not moving there is no highway objection. That is a matter which could be the subject of a condition were either or both of the appeals to be allowed. Thus, the reasoning below is confined to the matter of amenity.
 3. I am mindful that the host property in this case is situated in a Conservation Area and that 36-92 Clayton Street, of which the appeal property is a part, is a grade II listed building. I shall consider those matters in the context of amenity.
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Main Issue

4. The main issue in respect of each appeal is the effect of the proposed advertisement on amenity, noting the advertisement in each case would be part of a shroud around a listed building, and having particular regard to whether or not the proposed advertisement preserves or enhances the character or appearance of Newcastle's Central Conservation Area.

Reasons

5. The appeal site is situated within the centre of Newcastle in its historic core where there are many retail shops at ground floor level. The Central Conservation Area is characterised by historic buildings of imposing scale, albeit there are some modern developments. In addition to terraces such as that in which the appeal property is located, there are other substantial buildings and structures including the central station. The use of stone, substantial size of the buildings, the relatively tight-knit urban fabric, the interplay between the buildings, their age, materials, architectural detailing and, in many cases, their grandeur are all important to the character and appearance of this Conservation Area.
6. The appeal property forms part of a grade II listed building, that being the terrace 36-92 Clayton Street. Constructed in about 1837 it was built as 28 houses of three bays each and four storeys. The walls are of sandstone, in ashlar blocks. There are projecting sills, a second floor band and prominent cornicing; the roof is not seen from the street. The appeal site property turns the corner with Newgate Street, where it is attached to no.61, a smaller three storey building, which is unlisted.
7. Both appeals relate to a single advertisement within a shroud which would cover the building at first floor and above. In each case the advertisement would be in the form of an inset panel within the shroud facing the Newgate Street frontage. In both proposals the advert would be in approximately the same position, with one being for a larger advertisement than the other. In each appeal scheme there would be a shroud to the street frontages which would have an image of the host building for the Clayton Street frontage. However, the building image for the Newgate Street frontage would not reflect the existing building as the image would be of a four storey building while the actual building is of three storeys.
8. It is intended that the shroud would be erected under permitted development rights.
9. In the case of Appeal A, the advertisement would be 15.7 metres wide by 6 metres high set within a shroud of some 18.9 metres wide and 12.84 metres high (above the ground floor of 2.88 metres). The advertisement would be positioned so as to cover first and second floor windows of no.61 and the first and second floor windows of the listed building no.36 which turns the street corner. The shroud would be illuminated by five external downlighters.
10. In Appeal B, the shroud would be the same size but the advertisement insert would be narrower at some 11.7 metres wide and 6.0 metres tall covering the first and second floor window area of no.61. The shroud would be illuminated by four external downlighters.

11. The proposed shroud above the ground floor shop front would depict no.61 as a four storey building whilst it only has two floors with frontage windows above the shop. The Council's officer report for the Appeal B scheme explains that in the past permission has been granted including extensions at 3rd and 4th floor but there are no plans and there are only limited details of that scheme. Thus, I do not know whether the shroud reflects something that has extant approval. In any event, there is no evidence that it is intended that this scheme would go ahead. There is no listed building consent either for that scheme or indeed any other works. However, it is clear that the proposal before me relates to a shroud that would be significantly larger than the buildings as they stand and as such the advertisement shroud would present a large and inaccurate image of the current building.
12. The proposed advertisement in the Appeal A scheme would appear awkward as it would not relate well to either no.36 or no.61 but would span part of each. This would result in a discordant appearance in respect of the buildings and the proposed shroud. The size and scale of the advertisement would thus be ill-related to the listed building. The consequence is that it would have a detracting and dominating appearance. Moreover, as the site is at a prominent junction within the city centre an advertisement of this size and scale, which would be poorly related to the host buildings, would have a detrimental effect on the character and appearance of the Conservation Area and the amenity of its surroundings, albeit for a temporary period.
13. The proposed advertisement in the Appeal B scheme would appear marginally less harmful to the host buildings because it would only be situated to the front of no.61 and would be smaller in width than the Appeal A scheme. Nonetheless, the advertisement panel would not be well related to the fenestration of the property, because the area covered would not take a consistent approach to the existing window detail i.e. it would be off-centred and thus discordant. The consequence is that it would appear unsympathetic to the host building and would fail to reflect the importance of the proportions and rhythm of the underlying architecture. I consider that, given the size of the advertisement and its prominent location, it would harm the character and appearance of the Conservation Area, and the amenity of its surroundings, including the setting of 36-92 Clayton Street which is provided for, in part, by the subservient building at no.61 Newgate Street, albeit this harm would be for a temporary period.
14. The Planning Practice Guidance (the Guidance) advises that buildings which are being renovated or are undergoing major structural work and which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or large 'wrap' advertisements covering the face, or part of the face, of the building. The appellant attaches significant weight to this matter.
15. However, it is clear from the Council's officer report that no application for listed building consent has been submitted and there is no evidence before me to indicate that any contract has been let for works to the building. Rather, the appellant says they have entered into a partnership with the owners of the building whereby funding of the exterior refurbishment would be sourced out of advertising revenue generated from a decorative scaffold shroud for the duration of the works period. This does not appear to relate to any significant works to the site and it is unclear what is meant by the exterior refurbishment.

Nor is there any justification as to why it would take 12 months to do those unspecified works.

16. I am not satisfied that there is clear and robust evidence that there would be an amenity benefit derived from the advertisement proposal because of renovation works it might fund. This does not reflect a circumstance where a shroud is clearly necessary and that it provides an opportunity for suitable temporary advertisement as set out in the Guidance.
17. I have identified harm to the amenity of the surrounding area, which includes the listed building on the Clayton Street frontage, and to the Central Conservation Area, which would be neither preserved nor enhanced by either proposal. I am not satisfied that the amenity benefits referred would be secured or that they would be acceptable to the extent that they should gain positive weight, despite the potential practical benefits of funding towards refurbishment and the potential for local and national support on that basis.
18. As I am not satisfied that the amenity benefits set out are adequately clear and robust I cannot conclude that the benefits to amenity outweigh the significant harms to amenity in these appeals.
19. I appreciate that another case (Ref: APP/M4510/H/14/2228329) is put forward by the appellant in support of the appeals. The appeal case referred to allowed an advertisement on a shroud elsewhere in the city on a listed building within the same Conservation Area. In that case it is clear that the appellant (who is the same appellant as for these appeals) had at least provided a basic timeline for the refurbishment works. Moreover, the Inspector in that case found, on his judgement, that the harm to amenity he had identified would be outweighed by the amenity benefits. I have considered the evidence before me and it is my judgement that the visual harm to the amenity of the listed building, nos.36-92, and to the character and appearance of the Central Conservation Area are not outweighed by the unclear amenity benefits set out.
20. I have taken into account Policies CS15 and UC12 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 and saved Policy EN1.1 of the Newcastle upon Tyne Unitary Development Plan which, amongst other things, seek to protect the distinctiveness and character of the area and so are material in this case. Given I have concluded that the proposals would each harm amenity, the proposal conflicts with these policies.
21. I have also been mindful of the Council's Shroud Advertisement Interim Planning Guidance Note adopted in 2008, which is also a material consideration. However, I note that it predates both the Framework and the Guidance. That said, amongst other things, this document seeks that the scale, illumination and content of the shroud advert should be appropriate to the building and its context in terms of amenity. In general terms this is not at odds with the Framework or Guidance. For the reasons set out above I have found that the proposal would not be appropriate to the building or its context for either appeal scheme, rather it would cause harm.
22. For the reasons set out above, and having had regard to all matters raised, I conclude that both appeals should be dismissed.

Zoë Hill

Inspector