
Appeal Decision

Site visit made on 7 December 2016

by Michael Moffoot DipTP MRTPI DipMgt MCMI

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

Decision date: 5th January 2017

Appeal Ref: APP/M4510/Z/16/3159007

88 Pilgrim Street, Newcastle upon Tyne NE1 6SG

- 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 New World Payphones against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref: 2016/1082/01/ADV, dated 7 July 2016, was refused by notice dated 1 September 2016.
 - The advertisement proposed is internally illuminated digital panel as integral part of telephone kiosk.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Reference is made to sustainable development and the economic benefits of the appeal proposal. However, paragraph 67 of the *National Planning Policy Framework* ('the Framework') makes it clear that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. Accordingly, the various development plan policies cited in this case are not decisive. As the appeal site lies within the Central Conservation Area and Nos 70 and 98 Pilgrim Street are listed buildings, my considerations in this case are confined to amenity.
3. The appeal is concerned with the proposed display panel only, and any benefits to amenity arising from the replacement of the existing telephone kiosk on the site have no bearing on the planning merits of the case.

Main Issues

4. The main issue in this case is the effect of the proposed advertisement panel on amenity, with particular regard to whether or not the proposal would preserve or enhance the character or appearance of the Conservation Area and its effect on the setting of listed buildings.

Reasons

5. The extensive Central Conservation Area is characterised by historic buildings of imposing scale interspersed with modern developments. Built development is largely defined by a tight-knit pattern of development with substantial terraces of ashlar stone construction under slate roofs and impressive individual buildings such as the Central Station. High quality fenestration and fine
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- architectural detailing also contribute to the character and appearance of the Conservation Area.
6. The appeal site is located on the eastern fringe of the Conservation Area. Here, imposing four-storey terraced buildings to the north of Market Lane give way to more modest three-storeyed red brick terraces adjacent to the appeal site, before more substantial stone buildings resume and extend southwards to Mosley Street.
 7. Paragraph 67 of the Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertising in the vicinity of the site is fairly restrained and largely comprises illuminated fascia signs to shops and bars and a number of projecting hanging signs. Opposite the site, and outside the Conservation Area, is a bus shelter with two advertising panels, although it was not clear at my visit if they are illuminated.
 8. The proposed advertisement on the rear of the kiosk would be of a simple design and comprise a relatively modest feature in the wider street scene. Despite this, at 1.65m x 0.928m it would be prominent at closer quarters when approaching from the south. The sequential format with images changing about every 10 seconds would accentuate its impact in the street scene. Whilst the area is well lit and the intensity of the panel's illumination would be within guidelines for commercial areas¹, the effect of the panel would increase during the hours of darkness. I therefore find that the proposal would have a detrimental effect on the amenity of the area and would fail to preserve or enhance the character and appearance of the Conservation Area.
 9. Number 70 Pilgrim Street (The Market Lane public house) is an early 18th century and is grade II listed. It is constructed of painted brick over three-storeys under a slate roof and features plain sash windows with moulded architraves. No 98 was built in the latter part of the 17th century and is grade I listed. It is a handsome four-storey brick building with two projecting bays to the front, a pantiled roof, stone dressings and a distinctive entrance featuring a pedimented hood on slender posts. In each case the setting of the building is defined by surrounding terraces comprising historic buildings of contrasting form and style.
 10. When approaching the new kiosk from the south the proposed display would be observed beyond No 98 and, as one progresses northwards, would be seen with No 70 as a backdrop. It would be a brash and discordant feature in such close proximity to these properties and the illuminated nature of the display and its sequential operation would compound its impact on the setting of the buildings. As such, the setting of the buildings would be unacceptably harmed by the proposal.
 11. In reaching these findings I acknowledge that the existing kiosk features a vinyl poster and the bus shelter opposite contains displays. However, they do not justify the appeal proposal in this area of relatively restrained and unobtrusive advertising.
 12. Amongst other things, policies UC12, UC14 and CS15 of the Core Strategy² aim to ensure that development respects and enhances its context and sustains and

¹ PLG 05: *The Brightness of Illuminated Advertisements* (Institute of Lighting Professionals 2015)

² *Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030*

enhances the significance of heritage assets and their setting. Policies C2 and EN1.1 of the Unitary Development Plan³ seek to protect the setting of listed buildings and integrate development into its setting. The appeal proposal would conflict with these policies.

13. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Michael Moffoot

Inspector

³ *Newcastle upon Tyne Unitary Development Plan* (1998)