The Planning Inspectorate

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: 6th January 2017

Appeal Ref: APP/M4510/Z/16/3159167
Adjacent to Carliol House, Market Street East, Newcastle upon Tyne NE1 6XA

- 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: 2016/1062/01/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.

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 adjoins the Central Conservation Area and Carliol House is a listed building I shall consider these matters in the context of 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.

4. For reasons of clarity and accuracy I have used the appeal site address as it appears on the decision notice.

Main Issue

5. The main issue in this case is the effect of the proposed advertisement panel on amenity, including the effect on the setting of the Conservation Area and a listed building.

Reasons

6. The appeal site is located on the periphery of the city's main retail area and just outside the Conservation Area. Market Street East in the vicinity of the site is characterised by substantial buildings of varying age, design, style and

materials. Most are set on the back edge of the footway and of significant height. As a result, the street here has a strong sense of enclosure relieved only by junctions and an occasional gap in built development. The nearby Conservation Area on Pilgrim Street and Market Street is characterised by terraces of substantial historic buildings which are predominantly in commercial use.

7. Paragraph 67 of the Framework makes it clear that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. Advertising and other signage on Market Street East in the vicinity of the appeal site is sporadic and generally modest in scale and impact. It includes a non-illuminated fascia sign to a ground floor shop at the western end of Clariol House, an illuminated poster display attached to a bus shelter adjacent to the site and a kiosk opposite with a non-illuminated, two-sided display. The existing kiosk on the site includes a vinyl display to one side. Advertising and other signage is more evident to the west on Market Street and Pilgrim Street.

8. The proposed advertisement panel 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 range when approaching from the west. The sequential format with changing images every 10 seconds or so would accentuate its impact in the street scene. Whilst the area is well lit and the intensity of the panel's illumination would accord with guidelines for commercial areas[1], its impact would increase during the hours of darkness. I therefore find that the proposed panel would have a detrimental effect on the amenity of the area. However, as the panel would not be readily viewed in the context of the Conservation Area to the west its setting would not be adversely affected by the proposal.

9. Carliol House is a grade II listed building situated at the junction of Pilgrim Street and Market Street East. The seven storey building dates from the 1920s, and is constructed of Portland stone with a distinctive curved entrance on the corner at the western end and an ornate entrance to Market Street East. Due to its scale and proportions this substantial building has a significant and dominant presence in the street scene.

10. The proposed panel would be observed in conjunction with the building when viewed from the west. Its illumination and changing images would be an incongruous feature which would compromise the setting of the listed building, and this adds significant weight to my concerns regarding the proposal. I acknowledge the illuminated poster displays in the nearby bus shelter and kiosk opposite, but they are out of keeping with the building and its setting and do not justify the appeal proposal in this area of advertising restraint.

11. Amongst other things, policies UC12, UC14 and CS15 of the Core Strategy[2] aim to ensure that development respects and enhances its context and sustains and enhances the significance of heritage assets and their setting. Policies C2 and EN1.1 of the Unitary Development Plan[3] seek to protect the setting of listed buildings and integrate development into its setting. The appeal proposal would conflict with these policies.

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

12. Whilst I have concluded that the proposal would not harm the setting of the nearby Conservation Area, it would unacceptably harm the amenity of the area and the setting of Carliol House. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Michael Moffoot

Inspector