

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: 9th January 2017

Appeal Ref: APP/M4510/Z/16/3159002

32-34 Neville Street, Newcastle upon Tyne NE1 5DF

- 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: 2016/1081/01/ADV, dated 6 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 the Central Station is a listed building, 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 pair of telephone kiosks on the site have no bearing on the planning merits of the case.

Main Issue

4. The main issue in this case is the effect of the proposed advertisement display 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 a listed building.

Reasons

5. The Conservation Area is extensive, taking in much of the city centre's historic core. In the vicinity of the appeal site the main components are the significant scale of the buildings and the open views afforded by the spacious arrangement of built development on either side of the street. Here, the Conservation Area is dominated by the imposing Newcastle Central Station and the associated Royal
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Station Hotel together with a terrace of substantial traditional buildings on the opposite side of Neville Street, which includes the impressively scaled County Hotel and the Victoria Comet public house. St Mary's Cathedral to the west also makes a significant contribution to the character of the Conservation Area in this very busy part of the city centre. More modern buildings are also in evidence, including the substantial Hampton Hotel.

6. Paragraph 67 of the Framework states that poorly placed advertisements can have a negative impact on the appearance of the built and natural environment. The proposed panel on the rear of the new telephone kiosk would be of a simple design and a relatively modest addition to the wider street scene. Nevertheless, at 1.65m x 0.928m and facing the highway it would be conspicuous at closer quarters, and more so as the display would change every 10 seconds or so. Notwithstanding that the area is well lit and the intensity of its illumination would be within guidelines for commercial areas¹, the panel's presence would be particularly pronounced during the hours of darkness thereby compounding its visual impact. As such, I find that the panel would be detrimental to the amenity of the area and the character and appearance of the Conservation Area.
7. Whilst the existing pair of kiosks did not feature advertising material at the time of my site visit, I noted two kiosks containing vinyl poster displays to the west of the appeal site. However, whilst these advertisements are not illuminated they are rather incongruous in the Conservation Area. Accordingly, they do not justify the appeal proposal in this area of advertising restraint, where fascia and box signs and other forms of advertising are, in the main, fairly unobtrusive.
8. Of sandstone ashlar construction and with an imposing portico, the Grade I listed Newcastle Central Station and the attached hotel comprise a most impressive edifice with a commanding presence in the street scene. Its setting is enhanced by the aforementioned County Hotel and public house opposite which are less grandiose and play a secondary role to the station building.
9. As it faces the station, the proposed panel would be generally viewed against the backdrop of the County Hotel and not immediately observed within the context of the station building. Nevertheless, in wider views from the east and west of the new kiosk the panel would be perceived as an incongruous addition to the street scene which would compromise the setting of the listed building.
10. 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 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.
11. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Michael Moffoot

Inspector

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)