

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/16/3158995

63 Newgate Street, Newcastle upon Tyne NE1 5RF

- 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: 2016/1065/01/ADV, dated 7 July 2016, was refused by notice dated 31 August 2016.
 - The advertisement proposed is internally illuminated digital panel as integral part of telephone kiosk.
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Decision

1. The appeal is allowed and express consent is granted for the display of internally illuminated digital panel as integral part of telephone kiosk as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

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, 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 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.

Reasons

5. This part of the extensive Conservation Area is characterised by substantial three, four and five-storey buildings largely comprising retail and commercial
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uses at ground floor level and storage or office uses on the upper floors. In the immediate vicinity of the appeal site, The Gate leisure and entertainment centre and Debenhams department store dominate the street scene, occupying large sites with substantial modern buildings. Older, more traditional buildings are evident to the south and east of the site and generally consist of more modestly scaled terraced buildings with modern shopfronts to the street frontages.

6. 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. The proposed panel would be simple in design and attached to the rear of the new kiosk facing Sinners Club, a two-storey end-of-terrace building of brick and stone construction. In the wider street scene the panel, at 1.65m x 0.928m, would be relatively unobtrusive. At closer quarters it would be more prominent and the sequential display would draw the eye, particularly at night. However, I saw numerous examples of internally-illuminated advertisements within close proximity of the site. They include high-level signs on the Debenhams store, fascia and projecting box signs to shops, window signage and a 6-sheet poster display in a bus shelter to the front of the Wilko store. There is also an enormous sign above the entrance to The Gate which dominates the vista when approaching from the south-east.
7. In this context the proposed panel would be a fairly modest addition to the street scene. It would not be of an excessive size and would be a relatively unobtrusive feature within its surroundings where illuminated signage is a characteristic of this commercial area. As such, it would not harm the amenity of the area and would preserve the character and appearance of the Conservation Area.
8. Amongst other things, relevant policies in the Core Strategy¹ (UC12, UC14 and CS15) aim to ensure that development respects and enhances its context and sustains and enhances the significance of heritage assets and their setting. Policies EN1.1 of the Unitary Development Plan² seeks to integrate development into its setting. The appeal proposal would not conflict with these policies.
9. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Michael Moffoot

Inspector

¹ Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030

² Newcastle upon Tyne Unitary Development Plan (1998)
