
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/16/3159123

11 Clayton Street, Newcastle upon Tyne NE1 5PN

- 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: 2016/1085/01/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 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') states that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts. As the appeal site lies within the Central Conservation Area and within the vicinity of a number of 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 Issue

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 appeal site lies on the northern edge of the extensive Conservation Area which includes much of the city's historic core. It is characterised by traditional buildings of imposing scale together with a number of modern developments. The substantial scale of the buildings, widespread use of sandstone and a tight-knit pattern of development is complemented by fine architectural
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- detailing and symmetry and graceful fenestration to create a most grandiose townscape that clearly warrants its Conservation Area status.
6. The appeal site lies at the junction of Clayton Street and Nelson Street. The east side of Clayton Street derives much of its character from imposing terraces of four storeys with retail outlets predominating on ground floors and storage and offices at first floor level. Nelson Street is similarly terraced on both sides. Together, the two streets form part of a rectangle of thoroughfares which enclose Grainger Market, a large covered market dating from the mid-19th century.
 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. Within this context the proposed advertising panel on the south side of the new telephone kiosk would be of a simple design. However, at 1.65m x 0.928m it would be a prominent feature within this part of the Conservation Area notwithstanding the scale of its surroundings and modern shopfronts on Clayton Street. The sequential display, which would change every 10 seconds or so, would compound its impact on the street scene. So too would the illuminated nature of the panel during the hours of darkness notwithstanding that the area is well lit and the intensity of the panel's illumination would accord with guidelines for commercial areas¹. The proposal would therefore harm the amenity of the area and fail to preserve or enhance the character and appearance of the Conservation Area.
 8. Grainger Market is a grade I listed building. The north side of the market fronts Nelson Street and comprises three-storey terraced buildings of sandstone ashlar construction in the Classical style with a number of market entrances. Fine architectural detailing includes Corinthian and Tuscan pilasters, banding and a dentilled cornice. Grade II listed buildings on the north side of Nelson Street include Nos 10, 12, 12A and 14 which form a façade to the Eldon Square Shopping Centre and feature sandstone ashlar walls over three and four-storeys with oriel and sash windows and corniced eaves. No 12A Clayton Street is a mid-18th century former public house. Rising to four-storeys, it is constructed of sandstone ashlar under a Welsh slate roof and features distinctive semi-circular bowed projections to each side and a central Tuscan porch. The setting of these buildings derives in large part from the close-knit pattern of development on each side of the street and the focal role performed by No 12A Clayton Street.
 9. The proposed panel would be on the south side of the kiosk. In relation to the northern façade of Grainger Market, the panel would only be effectively observed within the context of the end bay return comprising Nos 11 and 13 Clayton Street. Similarly, it would only be readily viewed in conjunction with No 14 at the western end of the terrace on the north side of Nelson Street. Nevertheless, the panel would be an intrusive and incongruous addition that would harm the setting of these listed buildings. Its impact upon the setting of No 12A Clayton Street would be more significant. The kiosk would be directly opposite the building and the panel would introduce a brash and visually discordant feature that would unacceptably compromise the building's setting.

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

10. Relevant parts of 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 the above reasons, and having regard to all other matters raised, I conclude that the proposal would seriously harm amenity and appeal should be dismissed.

Michael Moffoot

Inspector

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

³ Newcastle upon Tyne Unitary Development Plan (1998)
