
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/16/3159010

Outside Royal Victoria Infirmary, Queen Victoria Road, Newcastle upon Tyne NE1 4LP

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Displays) (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: 2016/1069/01/ADV, dated 7 July 2016, was refused by notice dated 31 August 2016.
 - The display 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. The Armstrong Building and the walls and railings near the appeal site are grade II listed. I shall consider this matter 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 pair of telephone kiosks on the site have no bearing on the planning merits of the case.
4. Notwithstanding the reference to the Central Conservation Area in the decision notice, the Council has confirmed that the appeal site does not lie within a conservation area.

Main Issue

5. The main issue in this case is the effect of the proposed advertisement display on amenity, including the effect on listed structures.

Reasons

6. The appeal site is located on the street frontage to the Royal Victoria Infirmary in a part of the city characterised by numerous large buildings associated with the hospital and Newcastle University. Substantial modern buildings lie to the
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- west of the site within the hospital complex and the imposing Armstrong Building, occupied by the University, is situated opposite. The site adjoins wall and railings which form the hospital boundary to Queen Victoria Road.
7. Paragraph 67 of the Framework makes it clear that poorly placed displays can have a negative impact on the appearance of the built and natural environment. Whilst there is little advertising in the vicinity of the appeal site, one of the existing phone kiosks includes vinyl displays.
 8. The proposed display on the rear of the kiosk would be of a simple design and comprise a relatively modest feature in the wider street scene. Nevertheless, at 1.65m x 0.928m it would be prominent at closer range when approaching from the south. The sequential format with changing images every 10 seconds or so would accentuate its impact on the street scene. Whilst the area is well lit, the effect of the illuminated 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.
 9. Armstrong House is a grade II listed building. Constructed in the late 19th century, it is an imposing four-storey structure with red brick walls, ashlar dressings, a plain tiled roof and a distinctive central tower with turrets. Due to its scale, architectural detailing and unabashed grandeur this substantial building has a significant presence in the street scene. The late Victorian/early Edwardian walls and railings adjacent to the appeal site comprise low red brick walling with chamfered ashlar coping, spearhead iron railings and cast-iron piers capped with domed lanterns. In both cases the setting of these listed structures is down to their prominence in close proximity to Queen Victoria Road.
 10. The proposed panel would be observed in close conjunction with the walls and railings when viewed from the south and in the context of the Armstrong Building in a wider angle of view. The panel's illumination and sequential images would be a discordant feature which would compromise the setting of these listed structures. I am mindful of the vinyl displays in one of the existing kiosks, but they are out of keeping with the Armstrong Building and the walls and railings 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 Strategy¹ 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 Plan² seek to protect the setting of listed buildings and integrate development into its setting. The appeal proposal would conflict with these policies.
 12. For these reasons, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

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)