
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/16/3158996
117 Newgate Street, Newcastle 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: 2016/1071/01/ADV, dated 8 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 former Co-operative store and St Andrew's Church are 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 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 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 within the extensive Conservation Area which includes much of the city centre's historic core. Built development in the vicinity of the site is characterised by historic and modern buildings of substantial scale. They include the former Co-operative store (a grade II listed building now part
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occupied by Premier Inn), a terrace of imposing four/five-storey properties on St Andrew's Street, and St Andrew's Church which is a grade I listed building. Large-scale modern buildings are also a significant feature in the street scene here, including Debenhams department store on the edge of the Eldon Square Shopping Centre. The substantial size of the buildings and the relatively tight-knit pattern of development provide a distinct sense of enclosure which is significantly enhanced by the materials and architectural detailing evident in the historic properties here.

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. Existing advertising near to the appeal site includes higher level illuminated signage to the Premier Inn and Debenhams and ground floor fascia and wall signs consistent with the predominantly retail character of the area. There are two bus shelters to the south of the appeal site which feature internally-illuminated poster signs, and one of the existing telephone kiosks has a vinyl poster sign. With the exception of the bus shelter and kiosk displays, advertising and signage is generally restrained in this part of Newgate Street.
7. The proposed advertising panel would be affixed to the rear of the new telephone kiosk and would be of a simple design. However, at 1.65m x 0.928m and facing the highway it would be conspicuous element in the street scene, and more so as the display would change every 10 seconds or so. Whilst the area is well lit and the intensity of the panel's illumination would conform with guidelines for commercial areas¹, the panel's presence would be particularly noticeable during the hours of darkness, thereby increasing its visual impact. As such, it would be an intrusive and discordant feature in the Conservation Area where advertising is fairly unobtrusive, and would harm the amenity of its surroundings.
8. The former Co-operative building is an impressive four-storey structure with two distinctive towers and dates from the early 1930s. Its Art Deco style is enhanced by sandstone ashlar walls, a green pantiled roof, intricate fenestration and decorative frieze detailing. Its setting is informed by the street scene of which it forms part, which includes the church and traditional terraced buildings on St Andrew's Street. The proposed panel would be observed in front of one of the towers of the former Co-operative store and highly prominent in views from the street. The sequential, illuminated display would be wholly out of keeping with the setting of the building and as such would cause unacceptable harm.
9. St Andrew's Church dates from the 12th century with subsequent alterations and additions. It is a handsome building of sandstone construction with ashlar dressings under a Welsh slate roof and is a significant component of this part of the Conservation Area. The building's setting derives from its role within the street scene as an historic ecclesiastical structure set in a modest churchyard enclosed by railings and mature trees, and enhanced by an open frontage to a paved area.
10. The proposed panel would be observed within the context of the church's setting. Although the setting is compromised to some degree by 'street clutter' including raised beds, bus shelters and telephone kiosks, the proposed panel would be a

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

dissonant and strident feature and thus harmful to the setting of the church. This would particularly be the case during autumn and winter months when the trees on the churchyard boundary shed their leaves and render the church more prominent.

11. In coming to these findings, I have taken into account the advertising material on the two bus shelters and the existing kiosk. However, they are intrusive and compromise the setting of the listed church and former Co-operative store, and do not therefore justify the appeal proposal.
12. 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.
13. For these reasons, I conclude that the proposed panel would be detrimental to the amenity of the area and fail to preserve or enhance the character and appearance of the Conservation Area. It would also harm the setting of listed buildings. Accordingly, I conclude that the 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)
