
Appeal Decision

Site visit made on 2 July 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 September 2019

Appeal Ref: APP/M4510/Z/19/3222620

30 Merchant House, Ground Floor, Cloth Market, Newcastle upon Tyne NE1 1EE

- 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 Mrs Nicola Tiffen of Hay & Kilner against the decision of Newcastle City Council.
 - The application Ref 2018/1398/01/ADV, dated 3 October 2018, was refused by notice dated 19 December 2018.
 - The advertisement is described as 'The proposed sign encompasses folded aluminium panels that are powder coated grey, with the face of the sign having vinyl graphics on both signs. The proposed sign will be fixed to the wall by a suitable means at the same height as the existing projecting sign on the building. The proposed sign will replicate a similar style to the existing 'Regus' sign on the property.'
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. At the time of my visit, the advertisement that is the subject of this appeal had been erected. I have therefore determined the appeal on the basis that the development has already occurred.
3. The Council previously gave consent¹ for two projecting signs at the appeal site. One of these had been removed at the time of my visit. Nonetheless, I have determined the appeal on the basis that the sign that has been removed may be reinstated at any time, in line with the existing consent.

Main Issue

4. The main issue is the effect of the advertisement on amenity.

Reasons

5. The appeal site is located within the Central Conservation Area (CCA), which was established in recognition of the value of the historic core of the city. The area where the appeal site is located is on the spine of a medieval market and is of historical, architectural, cultural and social importance.

¹ Application Ref: 2015/1611/01/ADV

6. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CCA.
7. The advertisement is square in shape and features white and blue text on a dark grey background, stating the name of the appellant's business. It is thus similar in scale, colour and method of illumination to the other two consented advertisements. The submitted plans show that the advertisement is the third to be positioned along the front elevation of the appeal property. The advertisement that is the subject of this appeal is positioned to the left hand side of the entrance to the appeal property, close to one of the existing advertisements, which is located to the right.
8. The appellant considers a precedent to have been set by the advertisements that have previously been granted consent on the appeal property. The ground floor frontage extends across three buildings, and so the appellant contends that it is appropriate to add another sign. However, the scheme results in two projecting signs within a single, narrow fascia area.
9. When viewed within the context of the surrounding area, the advertisement, positioned in close proximity to one of the existing advertisements on the appeal property, adds visual clutter to the entrance to the appeal property and cumulatively to the wider CCA. During my visit I saw a number of different signs in various locations on the buildings in the surrounding area. However, their presence does not justify the further harm that arises from the appeal advertisement.
10. The appellant argues that the appeal advertisement adds legibility to the streetscene, which will in turn encourage further business and regeneration on Cloth Market. However, there is little evidence before me of these outcomes. The appellant also considers the advertisement to make a positive contribution to this part of the CCA, where there are a number of properties nearby that appear vacant that detract from the character and appearance of the area. Whilst it may be the case that investment is needed in the area, this does not mitigate the harm I have identified. My attention has also been drawn to other projecting signs in the CCA. However, I am not aware of the circumstances in which these signs were found to be acceptable, which limits the weight I can afford them.
11. Accordingly, I conclude that for the reasons set out above, the advertisement is visually harmful to this part of the CCA and as such, fails to preserve or enhance the character and appearance of the CCA. Consequently, the advertisement has an unacceptably harmful effect on amenity.
12. The Council has drawn my attention to saved policy EN1.1 from the Newcastle Unitary Development Plan (1998), along with CS15, UC12 and UC14 from the adopted Gateshead and Newcastle Core Strategy and Urban Core Plan (2015) and the Development and Allocations Plan, which was submitted for examination on 13 March 2019. I have taken these into account as material considerations in this case. The powers to control advertisements under the Regulations² may be exercised only in the interests of amenity and public

² Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

safety however. Consequently, in my determination of this appeal the Council's policies and guidance have not, themselves been decisive.

Conclusion

13. For the reasons given above, I conclude that the appeal is dismissed.

Jamie Reed

INSPECTOR