



Appeal Decision

Site visits made on 24 September and 8 October 2019 by Ifeanyi Chukwujekwu BSc (Hons) MSC PIEMA RTPI (Assoc)

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 October 2019

Appeal A Ref: APP/M4510/Z/19/3232679

Portland Road, S/O Shield Street, Shieldfield, Newcastle Upon Tyne, NE2 1DL

- 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 Mr Richard Wilson on behalf of Clear Channel against the decision of Newcastle City Council.
- The application Ref 2019/0266/01/ADV, dated 5 February 2019, was refused by notice dated 10 May 2019.
- The advertisement proposed is upgrade of existing double-sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter. The digital panels would display a sequence of static advertising images that would change no more frequently than every 10 seconds, change via smooth fade.

Appeal B Ref: APP/M4510/Z/19/3232686

Portland Road, S/O Sandyford Road, Shieldfield, Newcastle Upon Tyne, NE2 1DJ

- 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 Mr Richard Wilson on behalf of Clear Channel against the decision of Newcastle City Council.
- The application Ref 2019/0267/01/ADV, dated 5 February 2019, was refused by notice dated 10 May 2019.
- The advertisement proposed is upgrade of existing double-sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter. The digital panels would display a sequence of static advertising images that would change no more frequently than every 10 seconds, change via smooth fade.

Appeal C Ref: APP/M4510/Z/19/3232684

Portland Road, N/O Warwick Street, Shieldfield, Newcastle Upon Tyne, NE2 1BD

- 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 Mr Richard Wilson on behalf of Clear Channel against the decision of Newcastle City Council.
 - The application Ref 2019/0268/01/ADV, dated 5 February 2019, was refused by notice dated 10 May 2019.
 - The advertisement proposed is upgrade of existing double-sided advertising paper panels with double sided advertising digital panels forming an integral part of the shelter. The digital panels would display a sequence of static advertising images that would change no more frequently than every 10 seconds, change via smooth fade.
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Decisions – Appeal A to C

1. All of the Appeals are dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The appeals before me relate to three separate proposals for the installation of double-sided advertising digital panels. Whilst each appeal relates to a different proposal, the proposed digital panels are identical, and the sites are on the same road being few metres apart on opposite pavements. Each proposal will be considered on its individual merits, but as they raise similar issues, the Appeals will be dealt with in a single decision letter.

Main Issue – Appeals A to C

4. For all three appeals, the main issue is the effect of the advertisement on the visual amenity of the area.

Reasons for the Recommendation – Appeals A to C

5. Amenity is not defined within the Regulations nonetheless relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. In assessing amenity, it is reasonable to consider characteristics of the neighbourhood. For example, whether the proposed hoarding would be in scale and keeping with important features. There are existing double-sided internally illuminated 6-sheet advertisement displays within the Bus Shelters which are the subject of these appeals. Nevertheless, illuminated advertisement are not a feature of the area.
6. The appeal sites are located on opposite sides of pavement on the same road. The proposal in Appeal A would be located on the pavement adjacent Shield Court, the proposal in Appeal B would be located on the pavement adjacent to the Warwick House carpark and the proposal in Appeal C would be a few metres from the proposal in Appeal B on the pavement adjacent to Lookers Nissan. Despite the car dealership, the area is predominantly residential in character and appearance and comprises several developments, mostly three storeys and above.
7. The appellant argues that the proposed replacement digital displays in each appeal would be less tall, narrower and smaller in terms of display active area compared to the existing internally illuminated 6-sheet displays within the bus shelters. Despite this, at 1641.7mm high by 926.5mm wide each one would be visually prominent, and the sequential format with changing images every 10 seconds or so would accentuate their impact in the street scene. Furthermore, whilst the area is well lit and the intensity of the panel's illumination would accord with guidelines for illumination of advertisements¹, the proposals'

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

illumination and changing images would be an incongruous feature which would compromise the character and appearance of the area, especially during the hours of darkness.

8. The appellant refers to appeal decisions which allowed similar proposals². These appeals are mostly situated in a busy, city centre locations as compared with the appeals before me which are located within a residential setting which, apart from the existing double-sided internally illuminated 6-sheet advertisement displays within the bus shelters is devoid of illuminated advertising. In any case, each application and appeal should be considered on its own merit, and these examples do not justify harmful development. In this location, the digital illuminated sequential displays would be discordant and unduly prominent features. The type and design of the advertisement would detract from the street's quality along this section of Portland Road, and it would be visually harmful to the locality.
9. The Regulations seek to control advertisements in the interests of amenity and public safety. The Council has drawn attention to policies as material considerations. These have not been decisive, but the proposals would not meet with the objectives of the National Planning Policy Framework, policies CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (2015), and EN1.1 of the Unitary Development Plan.

Conclusion and Recommendation – Appeals A to C

10. For the reasons given above and having had regard to all other matters raised, I find that the proposed advertisements would have a harmful effect on visual amenity of the area. I recommend that the Appeals should be dismissed.

Ifeanyi Chukwujekwu

Appeals Planning Officer

Inspector's Decision – Appeals A to C

11. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I too agree and conclude that the Appeals A to C should be dismissed.

A U Ghafoor

INSPECTOR

² Lead case APP/R5510/Z/16/3157043 – included at Appendix A, and appeal case APP/V5570/Z/17/3169006 – included at Appendix B