
Appeal Decision

Site visit made on 16 October 2019

by Felicity Thompson BA(Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1st November 2019

Appeal Ref: APP/M4510/Z/19/3234171

Bede House, Pilgrim Street, Newcastle-upon-Tyne, NE1 2ES

- 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 David Pralong of Reyva I Limited against the decision of Newcastle-upon-Tyne City Council.
 - The application Ref 2019/0250/01/ADV, dated 5 February 2019, was refused by notice dated 24 June 2019.
 - The advertisements proposed are described as 'replacement of 2no. illuminated totem advertising displays with 2no. digital portrait advertising displays
 - Display of illuminated static images on a 10 second sequential rotation.
 - No special effects including animation, flashing, or fading.
 - Illumination: Replication of near ambient conditions. Day Max 600 candela/sqm. Night Max 300 candela/sqm.'
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant stated that the Council consider that the north facing display is acceptable in terms of amenity. I acknowledge that the Council found no harm in respect of the impact of the broadly south facing advertisement, which would be viewed by those travelling north, on the setting of the grade II listed railway viaduct between Dean Street and Pilgrim Street. However, whilst there may be some ambiguity, the reason for refusal in respect of amenity relates to both advertisements and I have considered the appeal on this basis.

Main Issues

3. The main issues are the effect of the proposed advertisements on the visual amenity of the area and highway safety.

Reasons

Visual amenity

4. The appeal site is located close to Bede House which is a large building of modern appearance, in close proximity to and visible from the busy A167(M), within the Central Conservation Area. The surrounding area includes a number of large modern buildings which make little contribution to the character and appearance of the conservation area. Broadly south of the site is the grade II* listed Tyne Bridge and broadly east is the grade I listed All Saints Church.

5. Advertisement consent was granted on appeal¹ last year for the replacement of the existing totem advertisements on the site with illuminated totem advertisements. In considering the effects on visual amenity and highway safety I have taken into account the fallback position.
6. With the exception of highway signage and the existing totem advertisements, I observed little in the way of roadside advertising in the immediately surrounding area.
7. Notwithstanding the largely contemporary surroundings and whilst modern digital illuminated advertisements are becoming increasingly common in busy commercial areas, there are no such advertisements in the vicinity of the appeal site. This, in itself, does not mean that they are not appropriate, as is evident from the previous Inspector's decision however, the proposed digital displays are materially larger, almost twice the size of those previously approved. Further, those previously approved appear to resemble more closely the size and style of the existing totem advertisements. Having regard to the site's surroundings the proposed advertisements would appear as prominent, conspicuous and discordant intrusions into the street scene and would thus fail to preserve or enhance the character and appearance of the conservation area. I therefore conclude that the appeal proposal would have a harmful effect on amenity. The conditions proposed by the appellant would not overcome this harm.
8. Whilst the appeal site is located in relatively close proximity to the Tyne Bridge, based on my site observations I am satisfied that it is not viewed in sufficiently close context to significantly impact upon its setting. Similarly, in respect of the All Saints Church, given the separation distance and the intervening modern buildings, the proposed advertisements would not cause harm to its setting.
9. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are material and find that the proposed advertisements do not accord with the overall design and heritage protection aims of Policies UC12, UC14 and CS15 of Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010-2030 (Adopted March 2015) (Core Strategy) or Policy EN1.1 of the Newcastle upon Tyne Unitary Development Plan (UDP). It would also fail to accord with national policy which seeks to conserve and enhance the historic environment.

Highway safety

10. I observed at my site visit, in the middle of the day, that the A167(M) is a busy road. In respect of those drivers travelling in a south bound direction, in particular those looking to merge with the main carriageway, whilst the proposed advertisement would be viewed for a reasonable distance as drivers approach from the north and this would provide some opportunity for drivers to assimilate the advertisement as they approach, due to the size and location close to where the slip road meets the main carriageway and as the image would change, I conclude that there is an unacceptable risk that drivers of vehicles would be distracted by the advertisement which would consequently pose a risk to the safety of other users of the public highway.

¹ APP/M4510/Z/18/3206549

11. Given the distance between the northbound carriageway and the proposed advertisements and their location on the opposite side of a busy road, I conclude that the advertisements are unlikely to be a distraction to those drivers travelling north and there would be no harm in this regard.
12. Overall, for the reasons given above the proposal would pose an unacceptable risk to highway safety therefore, so far, as it is material, would be contrary to the highway safety aims of Policy T7.1 of the UDP.
13. The Council referred to Policies UC9 and CS13 of the Core Strategy however, these policies relate to traffic management and sustainable transport aims. In the absence of explanation, I find that these policies are not directly relevant to the main issues in this case and weigh neither for nor against the proposal.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, the appeal is dismissed.

Felicity Thompson

INSPECTOR