



Appeal Decision

Site visit made on 25 November 2019

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2019

Appeal Ref: APP/W4515/Z/19/3236965

14, Wesley Way, Benton Square Ind. Estate, Benton NE12 9TA

- 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 Marc Poppleton against the decision of North Tyneside Metropolitan Borough Council.
 - The application Ref 19/00856/ADV, dated 25 June 2019, was refused by notice dated 19 August 2019.
 - The advertisement proposed is described as 1no post mounted and 1no fence mounted signage to serve existing builder's merchant.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. It was evident from my site visit that both signs are already in place and I have determined the appeal on that basis.
3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007, the National Planning Policy Framework and the National Planning Practice Guidance (the Framework) all confirm that advertisements should be subject to control only in the interests of amenity and public safety.

Main Issue

4. The main issue is the effect of the signs on the amenity of the area.

Reasons

5. Located on the edge of a modern industrial estate, the appeal site is a builder's merchants which comprises of two substantial two storey buildings set centrally within a large yard area. The site is bounded on all sides by fixed metal fencing of approximately 2.4 metres in height.
6. The signs subject to this appeal are located on the eastern corner of the appeal site close to the entrance of the industrial estate. On the opposite side of the road there is one other pole mounted sign that features the names and unit numbers of other premises within the estate. On both sides of the road there are other fence mounted signs although none as large and prominent as those subject to this appeal.

7. The top of the fence mounted sign is around 2 metres from ground level and approximately 4 metres in length, due to its size it occupies a significant proportion of the section of fence to which it is mounted and appears conspicuous and disproportionate particularly when viewed cumulatively with the much larger pole mounted advertisement behind.
8. At its highest point, the pole mounted advertisement is around 4 metres from the ground and is significantly higher than the fence which sits in front. Due to the level change and the fact that the buildings behind are set back it looks, in perspective to be higher than the buildings within the estate behind. This makes it appear disproportionate, incongruous and overbearing particularly when viewed from the residential properties opposite. Consequently, I consider that the advertisements have a harmful effect on the amenity of the area.
9. I note that the appellant's point that the view of the signage is obscured from some angles, from the south by an established tree belt and due to the chamfered corner on which it sits. However, the view from the residential properties opposite and for a large proportion of Whitley Road heading south west towards the site are entirely unrestricted and it is from these locations the harm caused by the advertisements is most prominent.
10. I have acknowledged the fact that there is one other pole mounted sign that the appellant submits "mirrors" that subject to this appeal. However, the other sign is a usual and singular feature of an industrial estate in that it advertises all of the premises within the estate. Nevertheless, I do not have any details regarding the circumstances under which this sign was permitted and in any case I must determine this appeal on its own merits but the presence of another sign of similar scale does not in itself justify further harm.
11. I have found that the advertisements have a harmful effect upon the amenity of the area. I have taken into account Policy DM6.3 of the North Tyneside Local Plan 2017 (LP) which is concerned with protecting amenity and public safety when determining applications for advertisements and signage. I have also had regard to guidance contained within the Framework which states that the quality and character of places can suffer when advertisements are poorly sited and designed; and is also material in this case.
12. Accordingly, for the reasons set out above, I conclude that the appeal should be dismissed.

J Hunter

INSPECTOR