



Appeal Decision

Site visit made on 1 October 2019 by Ifeanyi Chukwujekwu BSc (Hons) MSC
MIEMA CEnv RTPI (Assoc)

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 January 2020

Appeal A Ref: APP/M4510/Z/19/3232660

Great North Road, O/S Holmeforth House, Gosforth, Newcastle Upon Tyne, NE3 1UA

- 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 2019/0170/01/ADV, dated 30 January 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/19/3232666

High Street, C/O Graham Park Road, Gosforth, Newcastle Upon Tyne, NE3 1NR

- 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 2019/0174/01/ADV, 30 January 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/19/3232670

High Street, OPP Graham Park Road, Gosforth, Newcastle Upon Tyne, NE3 1LY

- 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 2019/0169/01/ADV, 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 – Appeals 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 digital panels proposed are identical, and the sites within the same area with Appeals B and C adjacent each other on the same road. Each proposal has been considered on its individual merits, but as they raise similar issues, the cases are dealt with in a single decision letter.
4. Appeals B and C are within the Gosforth Conservation Area (the 'CA'). The Planning Act¹ requires in assessment of an advertisement appeal, in so far as it relates to the consideration of 'amenity' that special attention is paid to the desirability of preserving or enhancing the character or appearance of a CA.

Main Issues

5. The main issues are: (1) the effect of the advertisement on the visual amenity of the area (all three), and (2) whether the advertisement would preserve or enhance the character or appearance of the CA (Appeals B and C).

Reasons for the Recommendation

6. 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.

Appeal A

7. The bus shelter is located on the pavement in front of Nos 4 and 5 Lansdowne Terrace East. The distinctive character of the area is derived from rows of terraced properties with a mix of residential and commercial use. This section of Gosforth is predominantly residential in character. Although there are conversions for commercial purposes such as offices on the opposite side of the road. Nevertheless, by virtue of the buildings' designs the area maintains a residential character. Despite the existence of commercial uses in the area, these offices do not use illuminated signs, thus illuminated advertisements are not a feature of the area.

¹ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990

8. By virtue of the sequential format of displaying advertisement, with changing images every 10 seconds or so, the proposed replacement digital display panel would appear more prominent than the existing internally illuminated 6-sheet display within the bus shelter. The type and design of the advertisement would detract from the street's quality along this section of Gosforth, and it would be visually harmful to the locality.

Appeals B and C

9. The bus shelters are on opposite pavements on the western end of the High Street. This area features Victorian and Edwardian residential developments, along with considerable mid-twentieth century suburban housing. There have been some changes including conversion of domestic dwellings to business, which has had some impact on the properties and immediate settings. Nevertheless, the residential area is suburban in character.
10. The adjoining High Street serves as the hub of the area and is a typical traditional commercial street contrary to the appellant's suggestion that it is a major city centre where illuminated digital advertising displays are no longer an uncommon feature. The CA management² plan suggest that Gosforth High Street has the character of a local neighbourhood shopping centre. This character should be retained and enhanced, and the plan indicates that moves towards a more 'City Centre' street character should be resisted.
11. The appellant argues that the proposed replacement digital displays 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 prominent, and the sequential format with changing images every 10 seconds or so would accentuate their impact in the street scene. Furthermore, whilst the areas are well lit and the intensity of the panel's illumination would accord with guidelines for illumination of advertisements³, the proposals' 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.
12. The appellant refers to a series of appeal decisions which allowed similar proposals⁴. 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 these sections of Gosforth, and it would be visually harmful to the locality.
13. Consequently, for Appeals B and C the nature of the proposals would fail to conserve or enhance the character or appearance of the CA.

² Gosforth Conservation Area Management Plan (May 2009)

³ PLG 05: The Brightness of Illuminated Advertisements (Institute of Lighting Professionals 2015)

⁴ Lead case APP/R5510/Z/16/3157043 – included at Appendix A, and appeal case APP/V5570/Z/17/3169006 – included at Appendix B

14. The harm caused is less than substantial nevertheless is of considerable importance and weight. The argument is that the proposals are part of a contract and the reconfigured bus shelters with digital advertising would secure financial investment for the Council from the appellant, but the extent of the alterations detract from the distinctive pattern of settlement. The proposals may yield some economic benefit, but the nature of the proposals would cause harm to the area's special historic interest. Improvements to the display of advertisement would benefit the appellant but limited weight is given to the argument.
15. 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 proposal 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

16. 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 Appeals A to C should be dismissed.

Ifeanyi Chukwujekwu

Appeals Planning Officer

Inspector's Decision – Appeals A to C

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

A U Ghafoor

INSPECTOR