



Appeal Decision

Site visit made on 19 May 2020 by S Witherley

Decision by Andrew Owen BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 May 2020

Appeal Ref: APP/M4510/Z/20/3246612

Rosies Bar, 2 Stowell Street, Newcastle upon Tyne NE1 4XQ

- 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 Punch Taverns, against the decision of Newcastle City Council.
- The application Ref 2019/1203/01/ADV, dated 2 September 2019, was refused by notice dated 20 December 2020.
- The advertisement described on the application form is: Sign written panel to brick wall and four x Lund Lights.

Decision

1. The appeal is allowed and express consent is granted for the display of the sign written panel to brick wall and four x Lund Lights as applied for. The consent is for five years from the date of this decision and is subject to the five standard conditions set out in the Regulations.

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.

Preliminary Note

3. I observed during my site visit that the sign is currently in place along with the four Lund lights.
4. The Council has drawn my attention to the policies it considers relevant to this appeal and I have taken them into account as a material consideration where relevant. However, powers under the Regulations to control advertisements may be exercised only in the interest of amenity and public safety, taking account of any material factors. The National Planning Policy Framework (the Framework) and the Planning Practice Guidance (PPG) reiterates this approach. In my determination of this appeal the Council's policies have not therefore, in themselves, been decisive.

Main Issue

5. This is the effect of the advertisement on visual amenity, having regard to the character and appearance of the Central Conservation Area (CA) and the

setting of the nearby heritage asset namely the Town Wall with Morden, Heber and Ever Towers.

Reasons for the Recommendation

Conservation Area

6. Rosies bar is a prominent building located on the corner of Stowell Street and St Andrew's Street. The building is constructed in red brick with sandstone window surrounds. It has a number of features that are considered to be of architectural merit including shaped gables at the front and side which rise either side of a rounded corner section which is capped by a spire.
7. The advert is located to the rear of the building and is painted directly onto the brick work. There are four Lund lights above it.
8. The building is locally listed and sits within the setting of the Town Wall with Morden, Heber and Ever Towers, a grade I listed and Scheduled Ancient Monument. The site sits within the boundary of the CA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special attention shall be paid to the desirability of "preserving or enhancing the character or appearance" of a Conservation Area. This statutory duty applies in advertisement appeals in so far as it relates to the consideration of 'amenity'.
9. The CA is primarily commercial in character with its significance, in so far as it relates to this appeal, deriving from the ages of some of the buildings, their built form, street layout along with the architectural detailing and social history. Given its predominant commercial character, advertisements of a range of types, sizes, and illumination are widely present.
10. Rosies makes a positive visual contribution to the CA with its architecturally interesting front and side elevations which are visually prominent from views from within the CA itself. The rear elevation, which is relatively plain and unassuming, overlooks the listed building which is near to the edge of the north west part of the CA. Close views of the rear elevation can be taken from directly opposite the listed building and more broadly from a range of viewpoints from outside of the CA. These broader views take in the appeal site and its wider commercial context which include the nearby China Town archway, large modern commercial buildings and a football stadium.
11. Given the site's location, the advert's scale and siting does not appear overly dominant or juxtaposed in the context of its surroundings. Its overall design, horizontal emphasis, colour and matt paint finish, along with the positioning of the Lund lights, sits well with the unassuming architecture of the rear facade and, given the advert's matt black background, blends well with the burnt ends of the existing red bricks and black fenestration located on the building.
12. The advert by reason of its size, position and illumination would therefore not appear as visually harmful to the amenity or to the character and appearance of the CA. The character and appearance of the CA would therefore be preserved.

Setting of listed building

13. The proposal sits opposite a section of the Town Wall with Morden, Heber and Ever Towers. The 'setting' of a heritage asset is defined in the glossary to the Framework as 'the surroundings in which a heritage asset is experienced'. Setting however can extend to more than just a visual connection, it can also include associative or historical links.
14. The location of the appeal building is in a busy commercial area which has numerous street lighting columns, large glazed office buildings and other illuminated signage. Whilst its location is in close proximity to the heritage asset, as a result of the advertisement's size, design, and illumination, it would not impact or affect important views of the heritage asset, nor would it visually compete with or distract from it.
15. The proposal's effect on the setting of the designated heritage asset would therefore be neutral and would sustain the experience of the asset within its setting.
16. Although, in advertisement appeals, development plan policies are not determinative, I am satisfied that there is no conflict with Policies CS15, UC12, UC14 of the Planning for Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010- 2030 (2015) and saved policy EN.1 of the Newcastle upon Tyne Unitary Development Plan, the objectives of which include the conservation of heritage assets and a requirement that the design of new development responds positively to local distinctiveness and character. These policies are consistent with paragraph 132 of the National Planning Policy Framework which seeks to avoid poorly sited and designed advertisements.

Conclusion and Conditions

17. As the scheme is in place, the standard conditions are relevant but it is not necessary to impose a condition specifying the approved plans.
18. For the reasons given above, and having regard to all other matters raised, I recommend the appeal should be allowed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

19. I have considered the submitted evidence and the Appeal Planning Officer's report, and on that basis, the appeal should be allowed.

Andrew Owen

INSPECTOR