



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: 08 June 2020

Appeal Ref: APP/M4510/Z/20/3246189

John Blundell Building, 38 Clayton Street West, Newcastle upon Tyne NE1 5AL

- 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 Mark Wilkinson of Infinity Outdoor, against the decision of Newcastle City Council.
- The application Ref 2019/1275/01/ADV, dated 10 September 2019, was refused by notice dated 20 December 2019.
- The advertisement described on the application form is: A temporary open weave fabric mesh display upon a fully working access scaffold - surrounded by a 1-1 image montage of the host building- to help safeguard, protect and prevent deterioration of the fabric of the host building. When a commercial display is not in situation the entire scaffold will be covered by a shroud image (1-1 image montage) of the building.

Decision

1. The appeal is 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.

Preliminary Matter

3. Powers under the Regulations to control advertisements may be exercised only in the interests of amenity and where appropriate public safety, taking account of any material factors. The Council has drawn my attention to policies it considers relevant to this appeal and I have taken them into account as a material consideration though they have not, by themselves, been decisive in my determination.
4. The Council refers to an adopted shroud advertisement planning guidance (SAPG) in its reason for refusal but has not supplied me with a copy. The appellant does not rely on this document to support any point in the grounds for appeal and I simply note what is said about the content of the SAPG in the report by the planning officer.

Main Issue

5. The main issue is the effect of the proposal on the visual amenity of the area, which includes the Central Conservation Area (CA) and the setting of the nearby listed buildings.

Reasons for the Recommendation

6. The appeal building is a large 4 storey with attic building currently vacant and undergoing restoration. Scaffolding is attached across its full front facade. The appeal building, which is not listed, sits adjacent to buildings which are grade II listed and also sits within the setting of St Marys Cathedral, a grade I listed building and attached Presbytery, a grade II listed building. The appeal site is located within the Central 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'.
7. The CA is primarily commercial in character with some buildings having both commercial and residential units in the floors above street level. Its significance, in so far as it relates to this appeal, derives 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, there is evidence of advertisements of a range of types, sizes, and illumination in the area but no visible evidence of any external signage along the terrace in which the appeal building is located.
8. The proposal seeks temporary permission for a period of 18 months to erect a shroud around the existing scaffolding which will display a 1-1 image montage of the host building. The centre of the shroud would be utilised for the display of advertisements.
9. The proposed shroud would stand proud of the long continuous façade of the adjoining listed terrace to the north east and listed building to the south west which both have a strong articulation resulting from the regular placement of window and door openings and prominent string courses and cornice. The large area occupied by the proposal would be inconsistent with this and would appear incongruous in this context. Its bulky appearance would appear as an overly dominant and juxtaposed feature within the streetscape thereby affecting the visual amenity of the area and that of the CA and consequently would affect the visual and historic relationship between the nearby listed buildings and St Marys Cathedral and Presbytery which lie opposite. As such, the proposal would neither preserve or enhance the amenity of the CA and would result in a negative effect on the setting of the heritage assets.
10. From the evidence submitted I understand there has been significant planning history relating to the appeal site and whilst some consents were granted, the most recent decisions, including an appeal have all failed to grant advert consent, with the Inspector stating that the advert would harm the amenity of the area. This supports my view.

11. Where advertisement consent has been granted previously, it has been when planning permission has been in place for the conversion of the building. The appellant notes that an application for planning permission is likely to be submitted in the spring/summer of 2020 for the refurbishment and redevelopment of the building, however, there is nothing in the evidence before me to suggest that a planning application has been submitted.
12. Whilst I appreciate the appellants arguments that income from the proposal would help maintain the structural integrity of the building, advertisements should only be controlled in the interests of amenity and public safety. I therefore attach limited weight to this line of argument.
13. I also note the appellants argument that the proposed shroud would be visually more attractive than plain shrouding. I disagree and for the reasons set out above consider the impact of a large illuminated advert within the historic setting or character and appearance of the area would be significantly more harmful than an innocuous plain shroud.
14. Having regard to the above I conclude the proposal would harm the visual amenity of the area, including the appearance of the CA and the setting of the nearby listed buildings. In reaching this finding, account has been given to the Framework which seeks to avoid poorly sited and designed advertisements; Policies CS15, UC12, UC13, and UC14, of the Planning for the Future, Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2010 – 2030 (2015); and saved Policies EN1.1, EN2.1 and EN2.3 of the Newcastle upon Tyne Unitary Development Plan, which seek to protect the conservation of heritage assets and require the design of proposals to respond positively to local distinctiveness and character and so are material in this case.

Conclusion

15. For the reasons discussed above it is recommended that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

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

Andrew Owen

INSPECTOR