



Appeal Decision

Site visit made on 4 August 2020 by S Witherley CIHCM MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 August 2020

Appeal Ref: APP/M4510/Z/20/3252935

The Gate, Unit 11, Newgate Street, Newcastle upon Tyne NE1 5TG

- 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 Newgate Pubs & Bars Ltd, against the decision of Newcastle City Council.
- The application Ref 2019/1439/01/ADV, dated 24 October 2019, was refused by notice dated 13 February 2020.
- The described on the application form is: A: 1x set of neon effect LED letters, B: 2x new awnings, E: 1x neon effect vertical pictorial, F: 1x poster/menu case with vinyl logo to back panel, G: 1x set of window vinyls and H: 2x amenity boards.

Decision

1. The appeal is allowed and express consent is granted for the display of A: 1x set of neon effect LED letters, B: 2x new awnings, E: 1x neon effect vertical pictorial, F: 1x poster/menu case with vinyl logo to back panel, G: 1x set of window vinyls and H: 2x amenity boards 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 Matters

3. The Council's decision notice referred to Saved policy EN1.1 of the Unitary Development Plan. This has now been superseded by the Development and Allocations Plan (2015 -2030) (DAP) which was adopted on the 24 June 2020. Whilst policies of the development plan are not determinative in advertisement appeals, where proposals must be assessed in relation to their impact on amenity and highway safety, I have had regard to relevant policies insofar as they are relevant to the appeal. Both main parties have had opportunity to comment on the revised policy position. 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, by themselves, been decisive.

4. I noted at the time of my site visit that the majority of signs were already in place and that the locations of sign F: 1x poster/menu case with vinyl logo to back panel and 1 x sign H: amenity boards were not positioned as per the drawings submitted. Where an appeal is made it is made against the decision of the Council which is based on the drawings submitted with the application. For the avoidance of doubt, my decision is based on the plans before me and the details submitted with the application.

Main Issue

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

Reasons for the Recommendation

6. The appeal property is situated in a prominent city centre location and sits within part of the wider 'The Gate' complex, a modern and contemporary building which offers a mix of leisure facilities including casino, cinema and a variety of eating establishments.
7. The appeal building is located within the CA which 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. There is evidence that there are a number of modern interventions into the older built fabric, including Eldon Square which sits opposite the appeal site. Given its predominant commercial character, advertisements of a range of types, sizes, and illumination are widely present in the area.
8. The signage includes a neon effect LED letter sign located above the ground floor window, 2x new awnings forward of the upper ground floor windows, 1x neon effect vertical pictorial, 1x menu case, a set of window vinyls and 2x amenity boards.
9. The relatively small scale of the neon lettering sign and vertical pictorial sign do not appear out of scale or proportion to the building's front elevation and as such do not appear as prominent or overbearing additions to the building or within the streetscape. The illuminated signs are visible from a number of locations along Newgate Street, however, their appearance is fairly subtle given the scale and overall proportions of the building, additionally, as the area appears to cater for a night time economy, illumination is not unusual in this part of the CA.
10. Having viewed all elements of the signage from a variety of locations within the CA and outside of it looking in, the combined signage appears relatively subtle and proportionate to the building they are attached. I am satisfied that they do not stand out as incongruous, overly dominant or unduly prominent features in relation to the modern building or the streetscape. Accordingly, they have not caused any significant harm to the visual amenity of the area and have no particular visual effect on the CA, therefore, the character and appearance of the conservation area has been preserved.

11. Consequently, 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 Policies DM20 and DM21 of the DAP, 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

12. For the reasons given above, and having regard to all other matters raised, I recommend the appeal should be allowed, subject to the five standard conditions set out within the Advertisements Regulations.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

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

C Preston

INSPECTOR