



Appeal Decision

Site Visit made on 5 July 2021

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th March 2022

Appeal Ref: APP/M4510/Z/21/3273048

Crofters Lodge Service Station, Kenton Lane, Newcastle upon Tyne NE3 3ED

- 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 Mohammed Tayab of Euro Garages against the decision of Newcastle upon Tyne City Council.
 - The application Ref 2020/1908/01/ADV, dated 1 December 2020, was refused by notice dated 18 February 2021.
 - The advertisements proposed are described as: 3 internally illuminated signs to west elevation (side) and 3 internally illuminated signs to south elevation (rear).
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. When it determined the application, the Council made a split decision that granted express consent for a number of proposed advertisements and refused express consent for two sets of three internally illuminated signs located on the side and rear elevations of the building. These are annotated as signs 4 to 9 on the submitted plan. It is only these six signs that are before me in this appeal. The application form and appeal form describe these advertisements as: "4) Int-Illum Sainsburys on the Go Fascia Panel - Side Elevation 5) Int-Illum Totally Wicked Tower Panel - Side Elevation 6) Int-Illum Starbucks OTG Fascia Panel - Side Elevation 7) Int-Illum Sainsburys on the Go Fascia Panel - Rear Elevation 8) Int-Illum Totally Wicked Tower Panel - Rear Elevation 9) Int-Illum Starbucks OTG Fascia Panel - Rear Elevation".
3. The decision notice issued by the Council describes the proposal as "Display of 1 internally illuminated double sided petrol totem, 1 internally illuminated fascia sign, 12 non illuminated vinyl sign, 1 internally illuminated totem sign mounted to front of building, 1 set of internally illuminated lettering and 2 non illuminated feather flags to front, 3 internally illuminated signs to west elevation (side) and 3 internally illuminated signs to south elevation (rear)". The description used by the Council is clearer and more succinct.
4. As it accurately describes the part of the proposal which is in dispute, I have used the relevant section from the description on the decision notice, namely "3 internally illuminated signs to west elevation (side) and 3 internally illuminated signs to south elevation (rear)" for the purposes of the appeal.
5. The advertisements are already being displayed and I was able to see these when I visited the site.

Main Issue

6. The main issue in this appeal is the effect of the proposed advertisements on the visual amenity of the area.

Reasons

7. The advertisements are sited on a recently constructed building that forms part of a petrol filling station with an ancillary convenience store which includes a number of franchised operations.
8. Regulation 3(1) of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 sets out that control over the display of advertisements shall be exercised in the interests of amenity and public safety. In this case, the Council has not raised any concerns in respect of public safety. I have noted that the Highway Authority has not raised any objections to the proposal in terms of road safety. Whilst signs 4, 5 and 6 are located on an elevation of the building that is adjacent to a pedestrian walkway that provides access to the petrol filling station site from Ponteland Road, the signs are located flush to the wall of the building and above head height. From what I have read in the evidence provided by the parties and from what I saw when I visited the site, I have no reason to find differently from the Council in terms of public safety.
9. The building is located on an elevated site adjacent to a busy roundabout junction on a principal route into and out of the city. The surrounding area is predominantly residential with the exception of the appeal site and the telephone exchange building that is located directly to the south of this. Due to the nature and functions of the roads in the vicinity of the appeal site, with some exceptions, the majority of the housing is set well back from, and turns its back on, the roads. This, in combination with the wide grass verges to Ponteland Road, Etal Lane and the north side of Kenton Lane, give the area an open and uncluttered appearance.
10. The signs are located on a modern building that has clearly been designed to integrate and incorporate advertising on its front elevation. The other elevations are plainer and functional, although some design variation is provided by the use of different cladding on parts of the gable elevation facing the roundabout. Whilst the proposed signs do not obscure or cut across any important architectural features of the building, the positioning of the signs on the plainer elevations of the building does not integrate them with the design or external appearance of the building. Within the context of the predominantly residential area, the signage on the side and rear elevation of the building results in it having a brash and discordant appearance that is inconsistent with the prevailing character of the area.
11. In combination with the other signs on the building and the signage on the petrol station forecourt, the overall result is a cluttered appearance that detracts from the simple lines of this building in a very prominent location. Whilst the design of the signs would not result in excessively high levels of illumination, I noted that the premises are open 24 hours and, consequently, the signage would be illuminated throughout the hours of darkness and the visual effect of the signs would be constant. This combination of factors would be harmful to the visual amenity of the area.

12. I accept that there is a requirement for the business to advertise its presence, however, these would not be the only signs on the building. I have also noted the appellant's point in respect of the perceived need for each tenant "brand" to be visible from each approach to the building in order to allow drivers to make appropriate lane choices. Nevertheless, I observed when I visited the site that, due to existing trees within the verge to the south of the building and on the roundabout, the signage is not readily visible in views from Ponteland Road to the south or from Etal Lane until such time as drivers will have already committed to taking a particular lane on the roundabout. When approaching the site from the north or by Kenton Lane, it is apparent where the site access is. Consequently, I do not find that this point would warrant granting consent for the additional signage.
13. I have taken into account policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne 2015 and Policies DM20 and DM21 of the Newcastle upon Tyne Development and Allocations Plan 2020. When read together, these policies seek, among other matters, to protect amenity and the character and quality of the area, and to ensure that new signage reflects the setting of the host building, and so are material in this case. Given I have concluded that the proposal would harm visual amenity, the proposal conflicts with these policies.
14. I therefore conclude that the proposed advertisements would be harmful to visual amenity.

Conclusion

15. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR