The Planning Inspectorate

Appeal Decision

Site visit made on 29 November 2022

by A Caines BSc (Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 December 2022

Appeal Ref: APP/M4510/Z/22/3307673
17 Ashburton Road, Gosforth, Newcastle Upon Tyne NE3 4XN

- 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 Rajesh Khanna (AAA Health Ltd T/A Douglas Pharmacy) against the decision of Newcastle City Council.
- The application Ref 2021/1464/01/ADV, dated 18 July 2021, was refused by notice dated 4 August 2022.
- The advertisement proposed is display of illuminated projecting pharmacy cross.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The proposed advertisement was in place at the time of my site visit and so I was able to see it in context with the surrounding area.

3. The Regulations to control advertisements require that decisions are made only in the interests of amenity and public safety, taking account of any material factors. Therefore, while I have taken account of the policies and guidelines that the Council consider to be relevant, these have not been decisive in my assessment.

Main Issues

4. The main issues in this appeal are the effect of the proposed advertisement on:

   i) the amenity of the surrounding area, with due regard to the Gosforth Conservation Area; and

   ii) public safety.

Reasons

Amenity

5. According to the Council the appeal site lies adjacent to the Gosforth Conservation Area (GCA), but from the map evidence before me it would appear that the site is within the GCA. Either way, the effect on the character or appearance of the GCA is a relevant factor to the consideration of the effect on amenity.

6. The surrounding area is distinctive for its traditional terraced buildings, which contribute to the significance of this part of the GCA. Whilst it's character is mostly residential, there are a small number of independent shops facing onto

Ashburton Road, including the appeal site. The majority of these retain traditional shopfronts and have restrained signage. In the few cases where signs are illuminated, it is in the form of discrete external illumination, and during hours of darkness only.

7. The pharmacy cross sign at the appeal site stands out in marked contrast with the surrounding context. It projects out significantly from the front of the building, and together with its modern materials and a relatively thick profile, appears as a discordant addition to this traditional terraced building. This harmful effect is further compounded by the bright coloured LED lighting with flashing crosses and scrolling messaging, which attracts undue attention to the sign and makes it highly conspicuous over some distance along Ashburton Road. This is despite apparently having a light sensor to control its ambient brightness.

8. Overall, the sign is an intrusive feature on the building and within the street scene, and as such, has not preserved or enhanced the character or appearance of the GCA. There are no conditions that could make this sign acceptable in these regards.

9. For these reasons, I find that the advertisement has a harmful effect on the amenity of the surrounding area. Whilst not decisive, the proposal also conflicts with Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle Upon Tyne 2010-2030 (the CS), as well as Policies DM20 and DM21 of Newcastle's Development and Allocations Plan 2015-2030 (the DAP). Amongst other things, these policies require development, including signage, to be well designed, respond positively to local distinctiveness and character, and to safeguard the historic environment. For the same reasons, the proposal is contrary to the design and historic environment protection aims of the National Planning Policy Framework.

Public safety

10. As set out above, the advertisement is very prominent in views along Ashburton Road. The Council is concerned that the moving text has potential to cause an unacceptable distraction to drivers. The Planning Practice Guidance advises that the main types of advertisement which may cause danger to road users include those with moving elements, or successive advertisements which do not display the whole message. The pharmacy cross sign would fall within this category.

11. However, because the area is predominantly residential with on-street parking, I observed that vehicles typically travel at low speed. Ashburton Road is also long and straight with good forward visibility, and there are no traffic signals or signs that the advertisement would obscure, distract from, or be seen in conjunction with. The adjacent lane is a rear alleyway with limited vehicular traffic. Taking into account the specific context, I do not consider the advertisement is a highway safety hazard, and there is little evidence from the Council to indicate otherwise.

12. I therefore find that the advertisement is not harmful to public safety, and so does not conflict with the highway safety aims of Policy C13 of the CS and Policy DM14 of the DAP.

Other Matters

13. The scrolling text on the advertisement provides information on the services available at the pharmacy, which at the current time includes COVID-19 vaccinations. Nonetheless, I am not persuaded that it is the only means by which such information could be given, nor that this would be a good reason to allow harmful development.

14. The appellant suggests that there are many similar signs across the country, but no specific details are given. The Droitwich Spa example referred to appears to relate to an entirely different form of sign and has limited relevance to this proposal. In any event, I must consider the appeal on its own merits, having regard to the specific context of the site and its surroundings, and I have found that the proposal is harmful for its own specific reasons.

15. I was provided with a photograph showing the previous projecting sign at the site, but that sign has been removed and has limited bearing on my assessment of the appeal scheme that is before me now.

16. I have noted the appellant's concerns over the Council's handling of the application, but that is not a matter which can influence my assessment of the merits of the appeal. Such concerns need to be taken up directly with the Council.

Conclusion

17. Whilst I have found that the proposed advertisement would not cause harm to public safety, it would nonetheless cause harm to amenity. For that reason, the appeal should be dismissed.

A Caines

INSPECTOR