



Appeal Decision

Site visit made on 28 March 2023

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 May 2023

Appeal Ref: APP/M4510/Z/23/3315327

369 Walker Road, Newcastle NE6 2XW

- 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 Wildstone Securities Limited against the decision of Newcastle Upon Tyne City Council.
 - The application Ref 2022/1735/01/ADV, dated 30 September 2022 was refused by notice dated 5 December 2022.
 - The development proposed is display of 1x digital advert poster.
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Decision

1. The appeal is dismissed.

Main Issue

2. Regulations to control advertisements may be exercised only in the interests of amenity and public safety. The assessment regarding public safety is not disputed. Therefore, the main issue is the effect of the proposed advertisement on visual amenity.

Reasons

3. The appeal site is located in a prominent and elevated position above ground level at the junction of Walker Road and Brinkburn Street and is readily visible from public viewpoints particularly on approaches from the west along Walker Road.
4. The surrounding area is largely characterised by industrial uses and the proposed advertisement would be located immediately adjacent a large existing digital board which is visible on approaches from the east. In addition to the existing digital board, there are a number of other large advertisements in the immediate vicinity. These include 2 existing 48 sheet poster advertisements a short distance to the west and a further 3 48 sheet poster advertisements further along Walker Road, adjacent the railway bridge. As a result, there are already 6 large advertisements within a short stretch of Walker Road in addition to other street furniture and smaller advertisements related to the use of the premises on which they are sited.
5. Given the site context, users travelling along Walker Road would pass a number of large warehouse buildings and other advertisements. At my site visit, I observed that although the 3 48 sheet poster advertisements further along Walker Road, adjacent the railway bridge are not viewed in the same field given the slight bend in the road, there is only a short distance between these 3 and then the further 2 which are sited closer to the appeal site. As a

result, there is already very little visual relief between existing advertisements and the appeal site. There are mature trees and shrubs interspersed between the existing advertisements and the appeal site. However, these do not reduce the visual presence of the existing displays given their large height and width and close proximity to one another.

6. The proposals would introduce a further freestanding advertisement of a large height and width which would be internally illuminated. The proposed advertisement would align with and reflect the overall dimensions of the adjacent hoarding and would not breach the roofline of the nearby warehouse buildings and trees. It would however still result in an additional large advertisement within close proximity to other existing large advertisements. This, together with the site's location adjacent the road and the prominent position of the site would unacceptably increase the level of advertisements along this small stretch of road and thus lead to an unacceptable increase in clutter to the street scene. Moreover, the elevated positioning of the site and the digital element would draw the eye upwards at odds with other advertisements which are not digital displays and sit closer to ground level on the field of view on approaches from the west.
7. I appreciate the appellant's statement that this is part of an industry wide drive to rationalise, modernise and upgrade advertising infrastructure to meet modern requirements which has in turn lowered the number of advertising sites across the country particularly those inappropriately located with multiple competing adverts. In this respect, I have had regard to the statistics relating to decluttering associated with digital upgrades. There is however no evidence of this installation being specifically associated with the removal of any existing advertisements.
8. I also note that the proposed advertisement would be operated from a central location 24/7 and the commitment to push best practice with a long-term investment in the site. I note the illumination would match the same levels as illuminated paper and paste displays and I have had regard to The Transport for London 'Guidance for Digital Roadside Advertising and Proposed Best Practice' (March 2013). The proposed advertisement would be controlled by a light sensor system to ensure it would not be overly bright whilst according with the guidelines set out in the Institute of Lighting Professionals. The frequency of images would also be no greater than once every ten seconds with no moving images, or flashing lights to be displayed in accordance with the Outdoor Media Code in addition to the feature that will turn the display off in the event of malfunction or error. Such matters could be controlled by a suitably worded condition. However, this would not reduce the advertisements size and prominence in this location close to existing advertisements where the eye would be unacceptably drawn to its presence.
9. I acknowledge that such advertisements can be acceptable in commercial and industrial areas and that the site is not within a Conservation Area nor are there heritage assets or residential properties in the vicinity. However, the advertisement would still be an overly prominent addition in this location when viewed in comparison to others. Whilst the suggestion of additional tree planting would add to the overall appearance of the site and could improve biodiversity, it would not be sufficient to reduce the overall presence and I am not convinced based on my observations onsite that the appeal site is so

under-maintained as to justify development which would be harmful to the visual amenity of the area.

10. My attention has been drawn to a number of previous planning permissions for other similar advertisements including those within the vicinity of the site where the Council considered this location to be acceptable in terms of visual amenity (ref: 2018/0827/01/ADV and 2018/0006/01/ADV). However, in determining this appeal on its merits, I have found that a further advertisement of a large scale, close to other existing advertisements would result in the proliferation of advertisements to the detriment of the visual amenity of the area. Moreover, this advertisement would not have been in situ at the time of previous assessments and thus, the overall site context and effect would likely be different. I also note the Council's comments in relation to ref 2018/0827/01/ADV that it would replace a large existing 48 sheet advert hoarding. On this basis, there are material differences between the previous proposals and the appeal before me and cannot therefore be directly comparable.
11. I also accept that the Council have granted other advertisements elsewhere in Newcastle and have had regard to the applications under ref: 2014/1748/01/ADV and 2016/1110/01/ADV. However, the description of development of the former includes for the removal of existing 96-sheet advertisement hoarding and again not directly comparable. I do not have sufficient information in relation to 2016/1110/01/ADV to be able to provide further comment. In any event, I am considering the scheme that is before me, and I have identified the harm that would arise. I have had due regard to the previous appeals put forward by the appellant (ref: APP/B4215/Z/19/3225091 and APP/M4510/Z/17/3190046). However, these previous appeals are also not directly comparable in terms of their specific siting or location and do not justify further development which would be harmful to the visual amenity of the area. In addition, appeal APP/M4510/Z/17/3190046 also relates to the replacement of 4 no 48 sheet and 1 No 96 sheet advertising displays with 2 No 48 sheet digital advertising displays. As referred to above, I have considered the appeal proposal on its specific merits and against the particular context within which it would sit.
12. The appellant explains that a previous advertisement in this location was well established but removed in 2010, although I have little evidence of this. Even if this were the case, I must determine the appeal based on the current context of the site rather than in relation to an advertisement that may have appeared some time ago. The proposed advertisement is said to be lightweight, durable, efficient and can be easily erected with minimal engineering although this remains a neutral factor in relation to the main issue.
13. I conclude that the proposed advertisement would harm the visual amenity of the area. I have taken into account Policy CS15 of the Core Strategy and Urban Core Plan for Gateshead and Newcastle (2015), Policy DM20 of the Newcastle Upon Tyne Development and Allocations Plan (2020) as well as the guidance in the National Planning Policy Framework (the Framework) which together, amongst other things, requires development to respond positively to local distinctiveness and character whilst enhancing the appearance of the city from major movement corridors. Given that I have concluded that the proposal would harm visual amenity, the proposal would conflict with the Policies and the Framework.

Other Matters

14. I have been provided with a list of environmental, social, and economic benefits. However, such matters would not outweigh the harm to amenity that I have identified.

Conclusion

15. For the reasons given above, I conclude that the appeal is dismissed.

N Teasdale

INSPECTOR