

Appeal Decision

Site visit made on 12th June 2023

by N McGurk BSc (Hons) MCD MBA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 4th July 2023

Appeal Ref: APP/P3420/Z/23/3316650

Revolution, 7 Hassell Street, Newcastle-under-Lyme, ST5 1AH

- 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 Hartbrights against the decision of the Newcastle-under-Lyme Borough Council.
 - The application Ref 22/00911/ADV, dated 7 November 2022, was refused by notice dated 22 December 2022.
 - The advertisement proposed is illuminated letters. Re-cover the existing canopy. Banner. Mural.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the advertisement above is taken from the application form. The appellant recognises that the advertisement to which the application relates is already in situ and that consequently, the application the subject of this appeal is retrospective.
3. The advertisement has six separate parts, namely sign 1, an internally illuminated linear fascia sign; sign 2, an internally illuminated box fascia sign; sign 3, a formed dibond canopy; sign 4, an internally illuminated box fascia sign; and sign 6, a large painted mural sign.
4. The Council issued a split decision in respect of the application for the advertisement, such that it expressly consented to signs 3 and 6. However, the Council did not expressly consent to signs 1, 2, 4 and 5 and consequently, this appeal relates to those signs.

Main Issue

5. The main issue in this case is the effect of the advertisement on visual amenity, with particular regard to the Town Centre Conservation Area.

Reasons

6. The appeal site is located along a prominent corner of Hassell Street, where it meets Market Lane, in a busy part of Newcastle-under-Lyme town centre. close to Corn Market, close to its junction with Victoria Street and Albert Street, in Derby city centre.
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7. The appeal property is a three storey, L-shaped building, fronting Hassell Street and with a secondary access to Market Lane, which in this location largely comprises a service street to commercial buildings. The applicant describes the current use as an immersive bar and arcade concept known as "Playhouse."
8. Hassell Street is a partly-pedestrianised street and provides a direct route between busy pedestrianised areas of the town centre. Buildings in the area surrounding the appeal site are largely two or three stories in height and in commercial use, predominantly for retail and leisure.
9. The National Planning Policy Framework (the Framework) emphasises the importance of safeguarding the nation's heritage assets. The site is located within the Town Centre Conservation Area, characterised by its historic street pattern, the presence of a range of buildings of historic interest ranging from the 17th to 20th Centuries and a prevalence of red-brick and occasional terracotta details.
10. During my site visit, I observed that the area around the appeal site provides for numerous views of attractive, period properties, many set within spacious pedestrianised surroundings, providing for clear views of historic features. There are several attractive sitting areas within the immediate vicinity of the appeal property.
11. I also noted during my site visit that, despite the wide range of commercial uses in the area, including night-time uses, advertisements tend to appear modest and do not draw undue attention to themselves. As a consequence of this, notwithstanding the commercial nature of this busy central location, it is the distinctive, historic attributes of the Town Centre Conservation Area that dominate the appearance of the area.
12. Together, the signs that make up the advertisement combine to dominate the outward appearance of the appeal property. When seen together with the mural and canopy, the two illuminated signs to the front of the building result in an overall scale and intensity of signage that appears out of character with the host property and the surrounding area.
13. Further to the above, the signs to its Market Lane entrance appear incongruous against the red brick of the host property and with the predominantly red-brick surroundings along Market Lane. In addition, the large size of sign 4 results in it appearing unduly cumbersome to the extent that it jars with and fails to integrate with, the appearance of the appeal property.
14. The prominent location of the appeal property results in the advertisement drawing attention to itself as an unduly dominant and incongruous feature in its historic surroundings, where no such combination or plethora of signs exist.
15. Consequently, I find that signs 1, 2, 4 and 5 are incongruous and visually intrusive. They draw undue attention to themselves during the daytime and during hours of darkness such that the advertisement appears out of keeping with and does not conserve the Town Centre Conservation Area.
16. I therefore find the advertisement the subject of this appeal to be detrimental to visual amenity and contrary to the Framework; to Newcastle-under-Lyme and Stoke-on-Trent Core Spatial Strategy (2009) Policies CSP1 and CSP2; and to Newcastle-under-Lyme Local Plan (2003) Policies B9, B10, B13, B14 and B20, which together amongst other things, seek to protect local character.

Other Matters

17. The appellant, in support of its case, states that the advertisement supports commercial viability and in this way, contributes to the daytime and evening economy. However, I have found the advertisement to be detrimental to visual amenity and this is not something that is changed or outweighed by the supporting factors outlined and hence the conclusion below. Notwithstanding this point, I note that there is no substantive evidence to demonstrate that it is the advertisement, as opposed to the use of the appeal property, that contributes to the local economy.

Conclusion

18. For the reasons given above, the appeal does not succeed.

N McGurk

INSPECTOR