



Appeal Decision

Site visit made on 10 April 2024

by L N Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 April 2024

Appeal Ref: APP/N1350/Z/24/3337593

BP Service Station, High Northgate, Darlington DL1 1UQ

- 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 Benjamin Porte of Clear Channel UK against the decision of Darlington Borough Council.
 - The application Ref is 23/01024/ADV.
 - The advertisement proposed is the installation of internally illuminated 48-sheet 'D-Poster' (digital) advertisement.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's original decision notice cited incorrect legislation, and subsequently a revised decision notice was issued, of the same date. The appellant has confirmed willingness to proceed on this basis, and for the avoidance of doubt, I find this has not prejudiced any parties.

Main Issue

3. The main issue is the effect of the proposed advertisement on the visual amenity of the area, with particular regard to the preservation or enhancement of the Northgate Conservation Area (CA).

Reasons

4. The site is a small part of the edge of the forecourt of a petrol filling station, comprising grass and bushes adjacent to the neighbouring terrace. It also hosts 2 small free-standing internally illuminated advertisement panels, which would be removed under the proposal.
5. The site lies within the Northgate CA, and so I have a statutory duty under section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing its character or appearance. In accordance with the Advertisement Regulations, I have taken into account the provisions of the development plan so far as they are relevant to visual amenity. Section 16 of the Framework requires great weight to be given to the conservation of designated heritage assets, and Policy ENV1 of the Darlington Local Plan 2016-2036 (LP) (2022) aligns closely with this approach.
6. The Northgate CA Character Appraisal (2007) identifies that Northgate and High Northgate form the historic linear spine of the CA. Its significance lies in

their alignment along the former Great North Road, linking pre-industrial Darlington with its pioneering first publicly-owned passenger-carrying railway, which represented a major step in the industrial revolution. At the southern end of Northgate are the houses built for the Quaker railway founders, and at the northern end around North Road Station remains some of the earliest railway-led urbanisation in the world, with numerous buildings dating from the 1830s and 1840s. That the appeal site's immediate character incorporates the busy and wide carriageway and junction, is to some extent integral to the CA's formation through this early industrial development.

7. The site is also directly adjacent to the blank gable of a historic terrace. Its siting within this central part of the CA which generally comprises more modern and commercial buildings, gives it increased architectural importance in the streetscene. My site visit also identified that this building has undergone recent restoration to highlight its historic features. The Council states that the physical character of the area is improving through regeneration and grant improvements. The openness of the appeal site allows for an appreciation of this terrace, and as such contributes to the CA's significance.
8. The petrol filling station does not contribute positively to the townscape character, including its signage and canopy somewhat dominating the immediate environment. However, the existing advertisements on the appeal site itself are relatively unobtrusive, and its greenery provides limited but welcome softening of the hard landscaping in this part of the CA.
9. The proposal is for a '48 sheet' freestanding and internally illuminated digital advertisement, on a black plinth. It would be substantial, matching the first floor level of the terrace and extending almost its whole depth. It would be stark and incongruous against the backdrop of the white gable. Although the Planning Practice Guidance (PPG) advocates siting advertisements in industrial or commercial areas, it would extend and reinforce the modern commercial character of the petrol filling station, rather than that of the historic buildings as the main significance of the CA. It would also remove the greening effect of the existing vegetation.
10. Notwithstanding the existing petrol filling station and canopy lighting and illumination, during the hours of low natural light or darkness the advertisement's overall prominence and incongruity would be further heightened due to its illumination and changing images. This would be despite the technology used to vary its illumination levels, intended to give a similar effect to an illuminated poster or vinyl advertisement. I acknowledge that the proposed illumination appears in line with the Institute of Lighting Professionals' guidance, including that it would respond to changes in daylight with restricted maximum brightness, have no moving content, and a set frequency of image change. However, these aspects would not sufficiently mitigate the harm.
11. The advertisement would face onto traffic travelling along one of the busiest arterial routes into Darlington. This prominence and negative impact on visual amenity would therefore be magnified by the amount of passing views, at both medium and short range. Overall, the proposed advertisement would lead to harm to the significance of the CA as a designated heritage asset, and have a harmful effect on the visual amenity of the area.

12. In accordance with the Regulations, I have taken into account the provisions of the development plan so far as they are relevant, being the LP Policy ENV1 which amongst other matters, specifically requires that proposals should preserve and enhance those elements identified in any CA appraisal as making a positive contribution to the significance of that area. Furthermore, the Framework paragraph 135 requires developments to add to the overall quality of the area, be visually attractive, and be sympathetic to local character and history including the surrounding built environment. Section 16 of the Framework also requires the avoidance or minimising of any conflict between a heritage asset's conservation and any aspect of the proposal. Given that I have concluded that the proposal would harm visual amenity, the proposal conflicts with these policies and guidance.

Other Matters

13. The Council cites the LP Policy DC4 in its reason for refusal. The officer report notes that this seeks to protect the amenity of existing users of neighbouring land and buildings, and that given the advertisement's siting, scale and illumination together with the moving images, would form an intrusive feature that would be detrimental to the amenity of neighbouring occupiers. However, no specific occupiers have been identified as being affected, and so this does not appear to be directly related to public safety. Although noting that it would be sited next to a signalised junction and a busy petrol station, the Council has not directly refused the proposal with regards to its impact on public safety, subject to the imposition of various conditions were the appeal to be allowed. I also find that there would be no impact on public safety, and I therefore find that Policy DC4 is not relevant in this instance.
14. The appellant has suggested sustainability benefits such as the reduction in reliance on non-renewable resources, and personnel visits. They also reference support from the Framework for outstanding or innovative designs which promote high levels of sustainability, and changes and innovations offered by new technology. However, the Regulations state that advertisements should be subject to control only in the interests of amenity and public safety, and alongside the Framework and the PPG, there is no indication that any of these suggested benefits can be taken into account. For the same reasons, I have not taken into account the Council's suggestion that the proposal would be an unnecessary form of advertising.

Conclusion

15. For the reasons given above I conclude that the display of the internally illuminated 48-sheet 'D-Poster' (digital) advertisement would be detrimental to the interests of visual amenity, and therefore the appeal is dismissed.

L N Hughes

INSPECTOR