



Appeal Decision

Site visit made on 4 June 2024

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2024

Appeal Ref: APP/M4510/Z/24/3338886

33 Norwood Avenue, Heaton, Newcastle Upon Tyne NE6 5RA

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (as amended) against a refusal to grant express consent.
 - The appeal is made by Mr Kwasi Bentil (Venderoo Ltd) against the decision of Newcastle Upon Tyne City Council.
 - The application Ref is 2024/0002/01/ADV.
 - The advertisement proposed is described as *'Install D48 Sheet Advertising display on gable end wall of 33 Norwood Avenue, Heaton'*.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the above banner heading has been taken from the original application form. The decision notice includes for digital LED display screen, and I have determined the appeal accordingly.

Main Issue

3. 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

4. The appeal site is located in a prominent position on the gable elevation of 33 Norwood Avenue, located close to the roundabout junction of the Coast Road with Chillingham Road which is a major movement corridor and is readily visible from public viewpoints.
5. Although the site is close to Chillingham Road Local Centre and there are commercial properties in the area, this is essentially a residential suburban area. There are other advertisements/street furniture in the vicinity of the appeal site. However, such features are generally related to the use of the premises on which they are sited. I noted on my site visit those advertisements in the vicinity largely relate to shop signs and are non-illuminated. They are also of a smaller scale which do not appear out of keeping when viewed against the context of their associated site and surroundings.
6. Norwood Avenue is a residential street, and the proposed advertisement would be positioned against the gable elevation of a two-storey property. The gable

elevation covers a large area but has a simple appearance albeit painted in a grey colour and is free from any advertisement/other features. I appreciate that such advertisements can be acceptable in areas of mix uses where they satisfactorily relate to the scale of the host building or feature and its surroundings. However, the proposals would introduce an advertisement display of a significant height and width which would be internally illuminated. The proposed internally illuminated display would be more prominent and overtly more modern in its form and technology than the surrounding advertisements.

7. The digital display would appear discordant when viewed against the simple gable elevation of the building. Given its prominent location, the digital display would be visually obtrusive and materially out of keeping with its surroundings. I note the surface area coverage claims and whilst the flank wall of the building could accommodate the proposals leaving areas of walling around the advertisement, it would still appear as a prominent addition in this location. Its lack of positioning in front of any landmark of architectural features would not alter this.
8. The proposed advertisement would have a maximum luminance, controlled by a light sensor which automatically controls the brightness levels with changes in outside weather conditions and I note claims made regarding the same level of brightness as paper and paste poster panels. I am also aware of the display change timing which would fade/graduate seamlessly into each other rather than an instant snap change. Such features may well be understood by the advertising industry being of a common design which may have also been approved elsewhere and I acknowledge compliance with the relevant guidance, conditions, and best practices relating to advertisements. Conditions covering various matters have been suggested by the appellant that would amongst others, control the illumination and frequency/method of change of the display. However, the introduction of the advertisement in this location along with changing images would draw attention and would have an unacceptable effect on the visual amenity of the area. These conditions would not therefore overcome my concerns nor would a condition to restrict its position height on the wall as it would still be an overly prominent addition in this location.
9. My attention has been drawn to a number of previous planning applications for other advertisements in the area. Whilst details of these other consents are limited, they appear to be located elsewhere where their overall site context and effect would likely be different and thus not directly comparable to the appeal before me. Further, they would not justify the proposals which I have considered on its own merits. Reference has been made to a previous advertisement on land opposite the appeal site although I understand this has since been removed and thus does not form part of the existing site context/character. There are also material differences in comparison to the current appeal including amongst other things, location, wall configuration, and siting, and is therefore not directly comparable. It is also understood that this previous advertisement was not illuminated which further adds to its overall prominence.
10. I am aware of the appellants' claims regarding graffiti and that the technology would offer opportunity to integrate CCTV as a deterrent to any future damages. This would not however be sufficient to weigh in favour of the appeal and there is no evidence before me to suggest that such matters could not be

achieved by an alternative means that would be less harmful to the visual amenity of the area. Even if I accepted the appellants' claims regarding street clutter, this would not be sufficient to overcome the harm identified as the advertisement would still be an overly prominent addition in this location which would be harmful. Overall, I cannot agree that the proposed advertisement would offer visual improvement to the gable wall area. The presence of trees located nearby would also not alter my findings on this as they would not reduce the advertisements size and prominence in this location.

11. For the above reasons, I conclude that the proposed advertisement would harm the visual amenity of the area. I have taken into account Policy CS15 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne (2010-2030), 2015 and Policy DM20 of the Newcastle Upon Tyne Development and Allocations Plan (2015-2030), 2020 which together, amongst other things, requires development to deliver high quality and sustainable design. I have also had regard to the guidance in the National Planning Policy Framework (the Framework) relating to achieving well-designed and beautiful places. Given that I have concluded that the proposal would harm visual amenity, the proposal would conflict with the above policies and the Framework.

Other Matters

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

Conclusion

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

N Teasdale

INSPECTOR