



Appeal Decision

Site visit made on 8 October 2024

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24th October 2024

Appeal Ref: APP/M4510/Z/24/3348004

**Land at Benwell Hill Cricket Club, West Road, Newcastle upon Tyne
NE15 7EU**

- 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 Alight Media against the decision of Newcastle City Council.
- The application Ref is 2024/0566/01/ADV.
- The advertisement proposed is the erection and display of a single freestanding 3 x 6 metre LED display unit.

Decision

1. The appeal is dismissed.

Main Issue

2. Informed by the consultation response of the local highway authority, the Council has concluded that the effect of the proposed advertisement on public safety would be acceptable, and I have no reason to disagree. Therefore, the main issue is the effect of the proposed advertisement on visual amenity.

Reasons

3. The appeal site is situated within the grounds of Benwell Hill Cricket Club (the Cricket Club) which is beside West Road. West Road is a main Newcastle thoroughfare which connects the City Centre and the A1. It is identified by the Newcastle upon Tyne Development and Allocations Plan (the Allocations Plan) as a major movement corridor. Adjacent to the Cricket Club there are traffic lights and streetlights. Therefore, artificial lighting already features in the area. To the Cricket Club's west, farther along West Road, a concentration of commercial premises close to a roundabout and an assortment of advertisements are located. This includes some illuminated advertisements and a digital display similar to that proposed.
4. However, the appeal site is set quite a considerable distance from the commercial premises and the adverts close to the roundabout. To the surroundings of the appeal site there are many houses and bungalows. The Cricket Club itself includes the large open space of its cricket pitch. Further open spaces are located within a crematorium on the opposite side of West Road, and there are many mature trees close-by to the site. This means that the appeal site is situated within an area which has a verdant and residential character, and advertisements addressing this part of West Road are not prevalent nor a strong visual influence. This provides the setting within which the proposed advertisement would be experienced, not the concentration of commercial properties and adverts farther along West Road.

5. With a digital display measuring 6 metres in width and 3 metres in height the proposed advertisement would be of considerable size. Addressing a stretch of West Road where advertisements are uncommon, the introduction of an advertisement of such size would form an incongruous and forceful feature within the street scene.
6. Despite the lighting established in the area, and even though the images to be displayed by the advert would be static and the technology deployed would enable the display and its luminance level to be well controlled, the advertisement's digital illuminated nature, and the size of images which it would display, would make its visual effects strident. I accept that in views of the proposal to its east trees would provide an effective screen. However, the digital display would not face this direction. Instead, the display would be west-facing, and in views from its west the advertisement's illuminated digital display would sharply and harmfully contrast with the softness and leafiness of its backdrop of trees. Similarly, the display's stridency would also unsympathetically contrast with the verdancy of the open spaces within the Cricket Club and the nearby crematorium.
7. Overall, the proposed advertisement would be an incongruous addition to the area, harmfully discordant with the nearby residential properties, open space and soft landscaping which characterises the surroundings. For these reasons, and even though the site is not within an area of special advertisement control nor forms a part of, or is adjacent to, any designated heritage assets, the advert would fail to assimilate into its surroundings and unacceptably harm the visual amenity of the area.
8. The appellant has submitted that conditions could be imposed to control the appearance and operation of the advertisement. This would include a condition the purpose of which would be to ensure that the digital display would not operate between the hours of 23:00 and 06:00. This condition would lessen the visual effects of the proposal in comparison to a scenario whereby no such control or restriction was exercised. Nevertheless, it would not alleviate all of the harmful visual effects I have described, and during the winter months in particular there would still be several hours every day whereby the advertisement would be conspicuously illuminated during darkness. Therefore, I find that the imposition of conditions would not serve to adequately mitigate the harm I have identified nor address my concerns.
9. The appellant refers to other consented and erected digital advertisements, their rise in popularity in more recent years, and particular examples from other locations in Newcastle are also presented to me. Unlike would be the case in the appeal proposal, the evidence before me indicates that, in each of the cited Newcastle examples, the advertisements would replace, or have replaced, advertisements which were already established at those sites, albeit they were not of the digital display type. Moreover, the site of the advert approved at West Road is within the West Road Shopping Centre and that approved at Potts Street is at one end of the Shields Road Shopping Centre. These sites are therefore within areas which are more commercial in character than is the case with the appeal site. The site of the approved advert at Station Road is, unlike the appeal site, within an area with a concentration of industrial units and where a number of other advertisement hoardings are currently in place. Similarly, when I visited the site near to 960 Shields Road I noted a number of existing advertisement hoardings in the area.

10. Given these factors, there are clear differences between the setting of the appeal site and the settings of the other cited sites within Newcastle, and different effects would be wrought by the proposal. Consequently, the cited advertisements are of limited weight in my decision.
11. My attention has also been drawn to an advertisement granted consent at appeal within Leicester. However, in that case, the Inspector identified that the site was beside an access road serving an industrial estate and within an area described as being mixed-use. Consequently, it seems to me that the setting for that appeal site is not very comparable with that which is before me. Appeal decisions are heavily dependent on the case-specific evidence and circumstances. I have come to my own views on this appeal having regard to the evidence before me now, my own experience and the particular circumstances of the case. For these reasons the cited appeal decision is also of limited weight in my decision.
12. For the reasons I have set out, the proposed advertisement would unacceptably harm visual amenity. Policy DM20 of the Allocations Plan states that development proposals should demonstrate that they would be a positive response to built landscapes and enhance the appearance of Newcastle from its major movement corridors. Policy CS15 of the Planning for the Future Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne sets out that development proposals should contribute to good place-making through the delivery of high quality design and should respond positively to local distinctiveness and character. Given their content, these policies are material in this case, and I have taken them into account. As I have concluded that the proposed advertisement would harm visual amenity, it conflicts with these policies. Furthermore, as the proposed advertisement's design would fail to be sympathetic to the area, it also conflicts with the advice of paragraph 141 of the National Planning Policy Framework.

Other Matters

13. The consideration of advertisements should be subject to control only in the interests of amenity and public safety. Therefore, the proposed advertisement's contribution towards business and the economy is not a matter which has a bearing upon my decision.
14. The technologically advanced design proposed may be an example of the efficient and sustainable design the advertisement industry is striving for, and the attributes of digital advertising may mean that multiple advertisements can be displayed reducing the number of advertisement sites necessary overall. Despite this, I have identified that the particular visual amenity effects of the appeal proposal would be unacceptable. Furthermore, the absence of harm in relation to matters other than amenity does not outweigh the harm I have identified in that particular regard.

Conclusion

15. For the reasons set out above, I conclude that the proposed advertisement would unacceptably harm amenity. Therefore, the appeal should be dismissed.

H Jones

INSPECTOR