



Appeal Decision

Site visit made on 12 November 2025

by **N Kempton BAHons, PGDip, MA, IHBC, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 22 January 2026

Appeal Ref: APP/M4510/Z/25/3370595

Entrances To Underpass Southwest Of Roseberry Crescent and North Of Churchill Gardens, Jesmond Road, Newcastle Upon Tyne NE2 1LD

- 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 on behalf of Venderoo Ltd against the decision of Newcastle Upon Tyne City Council.
 - The application Ref is 2025/0636/01/ADV.
 - The advertisement proposed is described as 'installation of LED advertising display to north and south elevation of the underpass'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In the banner heading above, I have taken the appellant's description of development from the original application form.
3. The Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) require that applications for the display of advertisements are considered only in the interests of amenity and public safety. In my determination of this appeal, I have had regard to the development plan policies cited on the Council's decision notice where material. However, I am not obliged to determine the application in accordance with them.
4. The proposal is within the setting of a listed building, which is located within a conservation area. As required by sections 16(2), 66(1) and 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving the listed building or its setting or any features of special architectural or historic interest which it possesses; and paid special attention to the desirability of the preserving or enhancing the character or appearance of that Conservation Area.

Main Issues

5. The main issues are the effect of the proposal on the amenity of the area, with particular regard to the setting of a grade II* listed building, the Church of the Holy Trinity, and the character and appearance of the Jesmond Conservation Area; and the effect on public safety.

Reasons

Amenity

6. The proposed advertisements comprise two internally illuminated LED screens measuring approximately 14.4m x 3m fixed on to the north and south elevations of an underpass structure, which spans across Jesmond Road (A1058), a dual carriageway and a key vehicular route in and out of Newcastle City Centre. Each advert would be internally static illuminated and positioned approximately 6m above ground level.
7. The Church of the Holy Trinity on Jesmond Road, is a grade II* listed building. Prominently positioned on high ground within a residential area comprising predominantly late- Victorian and Edwardian housing, the Church positively contributes to the historic townscape in the suburb of Jesmond. The tower (and nave) by Hoare and Wheeler, date back to 1920 and are dedicated as a memorial to those lost in the First World War. The Church is a local landmark and its tower is a focal point in the local skyline, visible from Jesmond Road.
8. Architecturally distinguished and historically resonant, the Church is a vital part of Newcastle's cultural and spiritual landscape. The elevated position of the church and its proximity to Jesmond Dene and other green spaces, enhance its visual presence and prominence and positively contribute to its setting, which in turn contributes to its significance as a designated heritage asset.
9. Jesmond Dene Conservation Area (CA) is notable as a protected landscape of high environmental, historical and cultural value. Created in the 1860s by Lord Armstrong, an industrialist and philanthropist, who gifted it to the people of Newcastle in 1883, the CA exemplifies Victorian ideals of public green space. A steep-sided valley along the Ouseburn River, Jesmond Dene supports diverse woodland, grassland, and water habitats. These ecological corridors contribute to Newcastle's green infrastructure.
10. The significance of the CA is derived from the low density late- Victorian and Edwardian housing, its landscaped green spaces and parkland, to which the listed Church significantly contributes. The balance between built heritage with natural surroundings reinforces the area's distinctive suburban identity.
11. The siting, size and illumination of the proposed advertisements would be unduly prominent in the public realm. The adverts would create a discordant feature within the street scene and would adversely add to visual clutter. It is acknowledged that advertisements form part of the streetscape on the south side of the underpass. However, the existing signage is largely confined to the commercial and retail establishments to which they relate. Conversely, the proposed advertisements would appear in a location and on a structure otherwise devoid of adverts. The proliferation of signage, unrelated to the site on which the advertisement is displayed, would detract from, and compete with, the historic environment.
12. The proposed adverts would appear conspicuous and unduly prominent within the street scene and readily apparent in longer views in both directions along Jesmond Road (A1058). The underpass walls, faced in stone, are recessive. The illuminated adverts would be assertive and dominant as seen in the same view as the church tower and would intrude into the setting of the church, detracting from its architectural distinction and visual presence.

13. It is acknowledged that digital advertising has become more common place on key arterial routes and city centre locations. Notwithstanding the acknowledged shift from traditional formats to digital advertising, in this case the sensitivities of the site context and the effect on the setting and significance of designated heritage assets are paramount.
14. Limitations relating to static images and the timing of sequential images and mitigation measures, including the positioning of the screens below parapet height on the underpass, would restrict the visual impact of the advertisements. However, those matters do not overcome the material harm that I have identified.
15. As a result, the proposed advertisements would be harmful to the setting, and therefore the significance of the Church of the Holy Trinity, as a designated heritage asset. The proposed advertisements would also fail to preserve or enhance the character and appearance of the CA. The statutory duty referred to above in relation to conservation areas applies in advertisement appeals in so far as it relates to the consideration of amenity.
16. In accordance with Regulation 3 of the Regulations I have taken into account the conservation objectives of policy CS15 of the Core Strategy and Urban Core Plan (CS)(2015) and policies DM15, DM16(1) and DM20(4) of the Development and Allocations Plan (DAP) (2020). As such, it is relevant to the consideration of amenity. Given that I have concluded the proposal would be harmful to the character and appearance of the area and the significance of the CA and Grade II* listed building, the proposal conflicts with these policies.
17. Accordingly, I find that the advertisement would be harmful to the amenity of the area and would be contrary to the provisions of paragraph 141 of the National Planning Policy Framework (the Framework).
18. Given the above, I find that the proposal would result in unacceptable harm to the special interest of the CA and the listed building owing to the harm arising through development within its setting. This would be less than substantial harm at the lower end of the scale, but nevertheless of considerable importance and weight.

Public safety

19. The proposal site lies on a busy junction on the Jesmond Road (A1058). The Council raised concerns regarding the proximity of the proposed screen on the south entrance to the underpass to a junction controlled by traffic lights. At this junction, vehicles, including buses, are entering and leaving the carriageway, there are filter lanes and pedestrian crossings. As such, this is a location where particular care is required by all road users and pedestrians. Because road users would be taking particular care at this point in the road network, and subject to controls to luminance levels and the timing of sequential images, any material risks of introducing an unwarranted distraction to road users at this location could be mitigated.
20. Notwithstanding these controls, the siting of the screen on the south entrance would be directly behind existing traffic lights. The proposed siting raises concerns that the traffic signals would be indistinguishable from the coloured lights of the advertising screen and would thereby hinder interpretation of the traffic signals. Whilst the proposed height of the screen is noted, the evidence before me does

not demonstrate how these concerns would be adequately mitigated to avoid a harmful effect to public safety.

21. As such, the proposed advertising screen on the south entrance would not comply with Policy CS13(3 iii) of the CS or Policy DM14 (1) of the DAP, which together seek to ensure that development proposals mitigate the effects of development on the existing highway network in the interests of safety, efficiency and accessibility.
22. Accordingly, I find that the advertisement would be harmful to public safety and would be contrary to the provisions of paragraph 116 of the Framework.

Public benefits and balance

23. Paragraph 215 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.
24. Paragraph 213 of the Framework stipulates that any harm to the significance of a designated heritage asset requires clear and convincing justification. Moreover, the harm must be considered in the context of paragraph 212 of the Framework, which establishes that great weight should be given to the conservation of each designated heritage asset.
25. The advertising revenues, improved access to advertising displays for local businesses and the potential to provide public messaging campaigns, as well as the environmental benefits of updating the digital display remotely, would weigh in favour of the proposal. However, even if taken together, the public benefits before me are not sufficient to outweigh the harm identified.
26. I conclude that, on balance, the proposed works would fail to preserve the special interest of the Grade II* listed building, the Church of the Holy Trinity, and its setting, and the character and appearance of the Jesmond Conservation Area, thus failing to satisfy the requirements of the Act, paragraph 212 of the Framework, and development plan policy insofar as relevant.

Conclusion

27. I have found that the proposal would be detrimental to the amenity of the area, with particular regard to the setting of a grade II* listed building, the Church of the Holy Trinity, and the character and appearance of the Jesmond Conservation Area. It would be detrimental to public safety, with particular regard to the safety of highway users.
28. For the reasons given above, the appeal should be dismissed.

N Kempton

INSPECTOR