



## Appeal Decision

Site visit made on 16 March 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

### Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

**Decision date: 23 March 2021**

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### Appeal Ref: APP/H4505/Z/20/3265490 560-562 Durham Road, Gateshead NE9 6HX

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 (the Regulations) against a refusal to grant express consent.
  - The appeal is made by Mr Ricard Page on behalf of Wildstone against the decision of Gateshead Council.
  - The application Ref DC/20/00853/ADV, dated 18 September 2020, was refused by notice dated 18 November 2020.
  - The advertisement proposed is conversion of existing 48-sheet advertising display to a digital 48-sheet advertising display.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issue

3. The effect of the advertisement on the visual amenity of the area.

### Reasons for the Recommendation

4. Amenity is not defined within the Regulations nonetheless relevant factors include the general characteristics of the locality, including the presence of any feature of historic, architectural, cultural or similar interest. In assessing amenity, it is reasonable to consider characteristics of the neighbourhood. For example, whether the proposed hoarding would be in scale and keeping with important features.
5. There is an existing illuminated 48-sheet advertisement display on the side elevation wall of 562 Durham Road which is the site of this appeal. The existing advertisement operates under deemed consent for the display of advertisement without illumination, and the Council state that a previous application<sup>1</sup> for advertisement consent was refused for an internally illuminated 48-sheet display at the same site.

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<sup>1</sup> DC/11/00697/ADV

6. The surrounding area is of mixed use and its distinctive character is derived from rows of terraced properties which are predominantly commercial. The host property, as well as a most other properties on Durham Road, has a commercial use and associated shop front at ground floor level with residential use on the upper floors.
7. This section of Durham Road is located within the District Retail Centre of the Low Fell Conservation Area (the CA). Durham Road, within the CA boundary, is a mix of shops, pubs and other commercial uses which are concentrated at its northern end, and other uses, such as housing, churches and garages at the south end. The townscape varies greatly along the length of Durham Road, with set-back building lines on the west side giving prominence to an attractive and imposing former Lloyds Bank (now The Bank Restaurant and Bar) and a less sympathetic 1960s shopping parade. The buildings along the road vary greatly in age, materials and style, from modest early vernacular buildings in stone and slate through to Victorian shops and houses, to 1990s infill terrace constructed in brick. The variety contributes to the character of the CA, as does the modest scale of commercial premises, which are largely devoid of digital advertisement display. The Low Fell Conservation Area Plan Appraisal<sup>2</sup> suggests that the quality of the area is debased by the poor design and materials of many of the modern shopfronts which predominate.
8. The CA appraisal also states that advertisements displayed within the CA should be sympathetic to its historic character and there will be a presumption against internally illuminated advertisement displays and also against advertising above ground floor level.
9. The presence of an illuminated 48-sheet digital advertisement display would introduce a modern element to this character and would pay little regard to the historical context. The scale of the structure would be substantial and by virtue of its elevated position would be noticeable from a distance on the northward approach on Durham Road, and even emerging at the junction with Albert Drive. The proposal's illumination and changing images would detract from the historic interest and introduce an overtly modern commercial feature.
10. Despite the existence of commercial uses in the area, large digital illuminated advertisements are not a prevalent feature. Advertisement in this area is generally confined to shopfronts, is mostly non-illuminated and reasonably modest in design. Contrary to the appellant's suggestion, the existing advertisement hoarding is the only gable mounted 48 sheet advertisement in the immediate area.
11. The existing display appears discordant in that context by virtue of its size and prominent location on the gable end of the building. However, it is an established feature and there is nothing to indicate that the Council has any plans for it to be discontinued. By virtue of the sequential format of displaying advertisement, with changing images every 10 seconds or so, the proposed replacement digital display panel would appear more prominent than the existing non-illuminated 48-sheet advertisement display.
12. Whilst the size of the proposal would be similar to the existing display, the sequential format with changing images every 10 seconds or so would accentuate its impact on the street scene. In addition, whilst the area may be

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<sup>2</sup> IPA17: Conservation Area Character Statements, Strategies and Policy Guidelines

well lit, and the intensity of the panel's illumination would accord with guidelines for illumination of advertisements<sup>3</sup>, the proposal's illumination and changing images would be an incongruous feature due to the size of the display, its prominence, and the contrast with the generally smaller and more discreet shop front advertisements. Accordingly, the scheme would compromise the character and appearance of the area, especially during the hours of darkness.

13. The appellant further contends that night-time illumination would be reduced to less than 300cd/m<sup>2</sup> at night and the signage would contain internal sensors which allow the screen to adapt to real time ambient conditions. However, even accounting for those concessions, the digital illuminated sequential display would be a discordant and unduly prominent feature for the reasons set out above. The type and design of the advertisement would detract from the street's quality along Durham Road, and it would be visually harmful to the locality and would cause harm to the character and appearance of the CA.
14. Paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
15. The harm would be less than substantial, on account of the fact that the proposal would only affect part of the character of the CA and would not alter the built form or the townscape. Nevertheless, taking account of the statutory duty to have special regard to enhancing or preserving the character and appearance of a Conservation Area, importance and weight must be attached to the harm identified. No public benefit has been identified which would outweigh the harm that would be caused by the proposal.
16. I conclude, therefore, that the advertisement would have a harmful effect on the visual amenity of the area and would not meet with the objectives of the National Planning Policy Framework.

### **Conclusion and Recommendation**

17. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*Ifeanyi Chukwujekwu*

APPEALS PLANNING OFFICER

### **Inspector's Decision**

18. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

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<sup>3</sup> PLG 05: The Brightness of Illuminated Advertisements (Institute of Lighting Professionals 2015)

*Chris Preston*

INSPECTOR