

Appeal Decision

Site visit made on 29 June 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv Assoc RTPI

Decision by S. Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 August 2021

Appeal Ref: APP H4505/Z/21/3275255

592 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 Wildstone Estates Limited against the decision of Gateshead Council.
 - The application Ref DC/21/00085/ADV, dated 21 January 2021, was refused by notice dated 24 March 2021.
 - The development proposed is upgrade of existing 48 sheet advert to support digital poster.
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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. The appeal site is located within the Core Area of the Low Fell Conservation Area which includes a mix of shops, pubs and other commercial uses which are concentrated at the northern end of Durham Road, and other uses, such as housing, churches and garages at the south end. Buildings are of different ages and styles and accordingly, the townscape varies greatly along the length of Durham Road.
5. No 592 is a locally listed building, the significance of which is derived from its age and architectural detailing, which include a decorative pediment balustrade to the front elevation and Dutch gable ends. The building, which is highly prominent in the street scene because of its stature and the set-back and height of the building adjacent to it, makes a positive contribution to the street scene and to the character and appearance of the conservation area.

6. Despite the existence of commercial uses in the area, large digital illuminated advertisements are not a prevalent feature. Advertisements are generally confined to shopfronts and are mostly non-illuminated and reasonably modest in design although I note there is one other billboard in the locality. In that context, the existing internally illuminated 48-sheet advertisement, positioned on that gable end of the appeal building, is a substantial feature on the appeal property and in the street scene. Given its size and position at first floor level it is highly prominent in the street scene. Moreover, as a result of its dominance on the gable end of the building, it detracts from the appearance of the building and its significance as a non-designated heritage asset, as well as from the character and appearance of the conservation area.
7. The proposed hoarding would be the same size and would be sited in the same position as the existing hoarding which I understand was granted advertisement consent on 29th June 1995¹ prior to the designation of the Low Fell Conservation Area. However, the digital advertisement display, which would change every 10 seconds, would be sharper and crisper than the existing internally illuminated poster hoarding, and would thereby be more eye catching. As such the advertisement would be even more prominent, and thereby have a greater impact on the street scene, than the existing display.
8. As such, the proposed advertisement would detract from the street's quality, standing out in long uninterrupted views on approach along Durham Road from the south and would dominate and thereby detract from the architectural features of the building. Accordingly, taking into account the presence of the existing hoarding, the proposed replacement would be visually harmful to the locality thus causing harm to the character and appearance of the conservation area and the significance of the building as a non-designated heritage asset.
9. I acknowledge that the area may be well lit, and the intensity of the panel's illumination would accord with guidelines for illumination of advertisements². I also acknowledge that night-time illumination would be reduced to less than 300cd/m² and the signage would contain internal sensors which allow the screen to adapt to real time ambient conditions. However, even accounting for those matters, the digital illuminated sequential display would be a discordant and unduly prominent feature for the reasons set out above.
10. 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.
11. The harm caused to the heritage assets in this case would be less than substantial, given that the proposal would only affect part of the conservation

¹ Ref. 417/95

² PLG 05: The Brightness of Illuminated Advertisements (Institute of Lighting Professionals 2015)

area and would not result in a total loss of significance of the building. Nevertheless, taking account of the statutory duty to have special regard to enhancing or preserving the character and appearance of a conservation area, great importance and weight must be attached to the harm identified.

12. The appellant considers that the proposal would have environmental and other benefits since it would not require regular visits by service personnel to change its content and the LED lighting is significantly more energy efficient than the existing display. I also note that it is proposed to reduce the overall number of advertisements and thereby reduce clutter although there is no mechanism before me to guarantee this would be achieved. Similarly, I note that the billboard could be used for non-commercial purposes although there is no evidence before me of the frequency with which this is likely to occur. I acknowledge that the existing hoarding has been in situ for some time and may therefore be in need of updating. However, I am unconvinced that this could not be achieved by a more sympathetic form of development.
13. Even considered cumulatively, the benefits of the proposal would be limited and attract only limited weight on the positive side of the balance. Accordingly, the benefits do not outweigh the harm identified.

Conclusion and Recommendation

14. 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

15. 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.

S. Ashworth

INSPECTOR