



## Appeal Decision

Site visit made on 18 July 2023

**by N Teasdale BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 07 August 2023**

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**Appeal Ref: APP/H4505/Z/23/3321727**

**Land adjacent Blaydon Railway Staff Social Club, Tyne Street, Blaydon NE21 4JB**

- The appeal is made under Regulation 17 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 against a refusal to grant express consent.
  - The appeal is made by Mr Warren Milroy (Vivid Outdoor Media Solutions (B) Limited against the decision of Gateshead Metropolitan Borough Council.
  - The application Ref DC/23/00211/ADV, dated 28 February 2023, was refused by notice dated 2 May 2023.
  - The advertisement proposed is a freestanding 48-sheet LED advertisement display.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. Regulations to control advertisements may be exercised only in the interests of visual amenity and public safety. The assessment regarding public safety is not disputed and the main issue is therefore the effect of the proposed advertisement on visual amenity.

### Reasons

3. The appeal site is located in a prominent position within the forecourt of Blaydon Staffs Social Club. The site comprises the existing building with an area of hardstanding to the front which is enclosed by a low-level brick wall which separates the site from the adjacent footpath and main road. There are other boundary treatments enclosing the sides of the premises including a relatively tall stone wall to the west and east. The site is readily visible from a number of public viewpoints particularly on approaches from the west.
4. The surrounding area is largely characterised by commercial uses and there is an overbridge, highways infrastructure, telecommunications, railway and other commercial buildings located within close proximity of the site. Whilst there are other advertisements/street furniture nearby including the petrol filling station located further west, 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 are largely non illuminated and are of a smaller scale which do not appear out of keeping when viewed against the context of their associated site.
5. The proposed advertisement would be positioned within the forecourt of an existing commercial building which is single storey and would be positioned against the existing stone boundary wall that runs to the east of the site. The proposed development would introduce a free-standing structure of a

significant height and width which would unacceptably tower above the existing building onsite as well as the existing stone boundary wall despite it being relatively tall. Consequently, the proposed advertisement would appear as a visually prominent and obtrusive feature. There is a ramp and bridge structure as well as other notable structures such as telecommunications located to the east of the site and despite providing a backdrop, the advertisement would be seen more in conjunction with the more modest building onsite and boundary treatments which acts to increase its overall effect where it would appear out of proportion.

6. Additionally, the proposed advertisement would be internally illuminated which despite its slim display, would increase its overall visual prominence in this location. This, along with its associated static but sequential images would be overtly more modern in its form and technology than other surrounding advertisements and thus would be at odds with other advertisements and general character of the area. I note comments made regarding high levels of lighting in the area and that the illumination would be adjusted by light sensors to make the image visible but not overly bright as well as according with the guidance set out by the Institute of Lighting Practitioners. I also note the appellant's suggested conditions regarding the illumination, display and frequency/method of change of the display. However, this would not reduce the advertisements physical visual prominence in this location as it would still be excessive in terms of overall width and height where the eye would be unacceptably drawn to its presence.
7. The advertisement seeks to attract attention of those approaching from the west of the site. The reverse of the sign would therefore be blank but would still be seen above the boundary walling on approaches from the east including the entrance to the bridge. This would result in a large blank metal screen being visible which would detract from the visual amenity of the area. I am not persuaded that views of the rear of the display would be compromised by the ramp and elevated walkway structure.
8. I appreciate that such advertisements can be acceptable in commercial areas where there are large buildings and main highways and are increasingly commonplace across urban areas of the country. It is also not disputed that the advertisement comprises a common and standard size for roadside advertisements. The appeal site is not within the Conservation Area, Green Belt or close to any known heritage assets as well as not comprising valuable green space nor facing towards residential properties or being harmful to residential amenity. I also acknowledge the claims made regarding the lack of other similar advertisements of this type in the immediate vicinity and street clutter. However, the proposals would still be overly prominent in this specific location taking into account the general characteristics of the locality.
9. I acknowledge the appellant's statement that this proposal is part of the commitment to high quality digital advertising to meet the advertisement needs of modern businesses and I have had regard to the claims made regarding manual billposting. However, this would not outweigh the harm identified.
10. I conclude that the proposed advertisement would harm the visual amenity of the site and surrounding area. It would therefore be contrary to the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 and

the guidance in the National Planning Policy Framework which together, amongst other matters, explains that the quality and character of places can suffer when advertisements are poorly sited and designed and that advertisements should be subject to control only in the interests of amenity and public safety, taking account of cumulative impacts.

### **Other Matters**

11. The proposed advertisement would be let out or rented to local businesses and advertisers and would be located close to the town centre making it suitable for promoting attractions, destinations as well as local businesses and leisure/arts activities. It would also be used for public information campaigns or emergency messages. However, as the appeal proposals relate to advertisement consent only, the regulations require that I exercise my powers only with regard to amenity and public safety although the latter is not a consideration for me in this instance. In any event, such matters would not outweigh the harm I have identified.
12. The proposed development was originally recommended for approval before being refused and whilst I appreciate frustrations in this regard, it would not change my findings on the main issue as I have determined the appeal based on its own merits and the evidence in front of me.

### **Conclusion**

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

*N Teasdale*

INSPECTOR