



Appeal Decision

Site visit made on 18 December 2023

by Andrew McGlone BSc MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2023

Appeal Ref: APP/H4505/Z/23/3331114

Land at Askew Road, Gateshead, Newcastle NE8 2TD

- 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 Benjamin Porte of Clear Channel UK against the decision of Gateshead Metropolitan Borough Council.
 - The application Ref DC/23/00684/ADV, dated 31 July 2023, was refused by notice dated 27 September 2023.
 - The advertisement proposed is the installation of freestanding illuminated 48-sheet digital display.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. In reaching this decision, I have considered the revised version of the National Planning Policy Framework (the Framework) that was published on 20 December 2023 but as it does not involve changes to national policy affecting the proposal, I have not sought the parties' comments upon it.

Main Issues

3. The main issues are the effect of the proposed advertisement on: (a) public safety, with regards to highway safety; and (b) visual amenity, with regards to the character or appearance of The Bridges Conservation Area.

Reasons

Public safety

4. The advert would be sited on an area of grassland to the northeast of a vacant commercial building and positioned to face in a southerly direction facing oncoming traffic on Askew Road, which is a major distributor A-classified road that has high traffic volumes, with queuing and congestion occurring at peak times. The road is a dual carriageway and lit, but subject of a 30 mph speed limit. A railway line is to the west, and Gateshead International Business Centre and residential tower blocks are to the east. Askew Road forms part of a ring road system around the town centre.
5. The proposal would not be sited on a skyline. There is a relatively tight S-bend in Askew Road next to the appeal site that also accommodates a fall in ground levels. The traffic light-controlled junction of Askew Road and West Central Route A184 are around 50 metres away to the east. There are two large directional road signs on approach to this junction. The first is to the west of the appeal site as vehicles start the S-bend; the second is at the end of the S-bend near the junction itself. There are also directional markings in each lane, advising drivers which lane they should be in for the approaching junction.

6. The proposed advert would be located in-between the two large directional signs, but it would only come into view after the first of those is passed. A single advert would be shown at any one time and the frequency of when adverts change can be controlled by planning condition, together with the display's luminance, the nature of the display and its hours of operation.
7. Be as that may, all adverts are intended to draw people's attention. However, particular care is needed when considering adverts that could affect public safety, including highway safety. This could include at junctions, roundabouts, pedestrian crossings, on approach to a low bridge or level crossing or other locations where local conditions may create traffic hazards.
8. The proposed advert would be positioned in an area where drivers need to concentrate on the road, its alignment, gradient, theirs and others vehicle movements, the signals and associated turning movements and queuing vehicles. Drivers need to make relatively quick decisions taking into account some or all these factors depending on the time of day and the use of the road. The proposed advert would introduce a potential distraction amongst that and in the lead-up to the more detailed second directional sign before the traffic light-controlled junction. Hence, the proposal would pose an unacceptable risk to public safety particularly as there have been a handful of accidents in the vicinity of the site in recent years, with two of these involving queuing vehicles being struck from behind. The use of planning conditions to control the nature, type, time and luminance of the display would not overcome that harm.
9. I note the Council's concerns about the site being close to the junction of the former car rental site and Askew Road, but there is not a firm indication that that use could resume so, while I am mindful of it, I have determined the appeal based on the circumstances as I find them.
10. I conclude that the proposed advert would harm public safety, with regards to highway safety. It would conflict with Framework paragraph 141 which states that the quality and character of places can suffer when advertisements are poorly sited and designed.

Visual amenity

11. The appeal site is next to, but not within The Bridges Conservation Area. However, the site does form part of its setting, given that a section of the northbound approach along Askew Road near the site provides glimpsed views across the urban core and of and through some of the bridges that span the River Tyne. The bridges are of great industrial importance. The Conservation Area holds archaeological, architectural, and historic significance arising from the historic evolution of the central core from medieval times though to the modern day, with notable architectural contributions from the High Level Bridge, the Swing Bridge, and the Tyne Bridge. These all illustrate the growth of the urban area and measures to facilitate transport modes while responding to local topography.
12. There are glimpsed views of the Tyne Bridge and the urban core from the vicinity of the appeal site, but these are affected by the existing built form and local topography. The other bridges cannot be experienced from this part of Askew Road. The proposed advert would form part of those views, but its siting, size, scale and illumination would be acceptable here and not harm the setting or significance of the Conservation Area or how it is experienced. I do not consider the proposed advert would be a dominant feature.

13. I therefore conclude that the proposed advert would not harm the visual amenity of the area, with regards to the character or appearance of The Bridges Conservation Area. As such, there would be no conflict with Framework paragraph 141 or with section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

Conclusion

14. For the reasons given above, although I have found the proposed advert to be acceptable in terms of amenity that does not outweigh my conclusion that the proposed advert would be detrimental to the interests of public safety. Therefore, I conclude that the appeal is dismissed.

Andrew McGlone

INSPECTOR