

---

## Appeal Decision

Site visit made on 5 January 2015

**by Mrs A Fairclough MA BSc(Hons) LLB(Hons) PGDipLP(Bar) IHBC MRTPI**  
an Inspector appointed by the Secretary of State for Communities and Local Government

**Decision date: 3 February 2015**

---

**Appeal Ref: APP/M4510/H/14/2222869**

**Vineyard Wine Bar, 1 Grey Street, Newcastle Upon Tyne NE1 6EE**

- 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 Justin Myers against the decision of Newcastle-upon-Tyne City Council.
  - The application Ref: 2014/0638/01/ADV, dated 9 April 2014, was refused by notice dated 21 July 2014.
  - The advertisement proposed is described as a temporary scaffold shroud advertisement.
- 

### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect of the proposed temporary scaffold shroud advertisement on the character and appearance of the area including the special architectural and historic interest of 1 Grey Street, a Grade II\* listed buildings and the Central Conservation Area (CCA).

### Reasons

3. No 1 Grey Street is a four-storey, stone built property located on a prominent corner at the junction of Mosley Street and Grey Street. It has some fine neoclassical architectural detailing on the upper floors but the ground floor is a simple shop frontage. The attached building and many other buildings in the street are also Grade II\* listed building with fine detailing.
4. Although Grey Street is commercial, the facades of the building are generally refined. The proposed advertisement includes a fixed architectural 1:1 image of the building façade with an inset commercial display. It would screen the first and second storeys of the appeal building on the Grey Street and Mosley Street elevations. There does not seem to be a lot of advertising in the street and what there is corresponds to the refined character of the commercial frontages.
5. The Council have brought to my attention sections 16(2) and 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (Planning (LBCA) Act 1990) and several Core Strategy and Unitary Development Policies. Section 16(2) of the Planning (LBCA) Act 1990 requires that special regard be had to the desirability of preserving the building or its setting or any features of special architectural interest it possesses. Section 72 of the Planning (LBCA)

Act 1990 requires that special attention must be given to the desirability of preserving or enhancing the character or appearance of the CCA. The Council also refers to several policies and supplementary guidance entitled *Scaffolding Shroud Interim Planning Guidance* dated 2007 (IPG). Policy C2 of the *Newcastle Unitary Development Plan* dated 1998 (UDP) states that development which would harm the architectural or historic interest or its setting is not allowed. Policies CS15 and UC14 of the Core Strategy and Urban Core Plan<sup>1</sup> (CSUP) both require that developments will contribute to and respect the conservation and enhancement of the historic environment. I have taken these into account as material considerations. However, powers under the Regulations to control advertisements may be exercised only in the interests of amenity and public safety, taking account of material factors. In my determination of this appeal, the above statutes and policies have not, therefore, by themselves, been decisive.

6. The appellant states that the advertisement panel would facilitate the restoration of the listed building and provide visual interest. It is not disputed that during restoration works the provision of a scaffold advertisement shroud with advertisement would obscure the positive contribution the upper elevation of the building makes to the streetscene. The relevant comparison is with views of an alternative screen, which would be plain.
7. Scaffold shrouds are relatively common and a typical part of a busy city centre urban scene. They are obviously temporary due to the work going on behind the scaffold. The impact on the streetscene of an advertisement shroud is quite different from that of a permanent advertisement of the same size. They do provide colour and interest to what otherwise would be ugly scaffolding, often partly covered by tatty plain shrouding. Consequently, as long as the impact of the proposed advertisement on nearby buildings and streetscapes, is not harmful, as a short-term screen to cover scaffolding with some colour and detail, shroud advertisements could offer a benefit to the character and appearance of an area.
8. However, Grey Street is not the sort of busy commercial area that could absorb a large-scale illuminated advertisement of some 94 square metres even on a temporary basis. Although the street is commercial in character, the buildings are consistent in scale with a rhythmic pattern of fenestration and detailing, especially on the upper floor levels. The character of this part of the conservation area is not one where large-scale advertisements exist. Whilst the obscuring of the building in this manner would not harm the special architectural or historic interest of the listed building as the shroud, advertisement and scaffolding would not be attached to the building, it would be harmfully dominant and prominent against the restrained and dignified buildings in the street especially as it would be illuminated. Thus it would not enhance the character or appearance of the CCA. It would also harm the setting of the adjacent listed buildings. On this basis, it would not accord with the aforementioned UDP Policy C2 and CSUP Policies CS15 and UC14. Moreover, it would conflict with paragraph 3c of the IPG, which requires that shroud advertisements should be of an appropriate scale and illumination to the building and its context.

---

<sup>1</sup> Planning For the Future: Core Strategy and Urban Core Plan for Gateshead and Newcastle upon Tyne: Proposed - Submission Document dated September 2013.

9. The appellant has referred to the need for repairs to the listed building and that this includes masonry window and roof repairs. The Council has stated that the detailed nature of the refurbishment has not been made adequately clear and that such works may require listed building consent. The appellant refers to the Planning Practice Guidance and states that buildings which are being renovated or undergoing major structural work which have scaffolding or netting around them may be considered suitable as temporary sites for shroud advertisements or wraparound advertisements covering the face, or part of the face, of a building. From the evidence before me, it is not clear what the programme of works to the building entails. However, as stated in paragraph 3 above, I am required to determine this case in accordance with the Regulations and I have dealt with the appeal on its own merits in the light of this requirement.

### **Conclusions**

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

*Mrs A Fairclough*

INSPECTOR

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer Services Department:

Telephone: 0370 333 0607

Fax: 01793 414926

Textphone: 0800 015 0516

E-mail: [customers@HistoricEngland.org.uk](mailto:customers@HistoricEngland.org.uk)