



Appeal Decision

Site visit made on 27 February 2023

by **C Dillon BA (Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 23 March 2023

Appeal Ref: APP/H0738/Z/23/3314771

22 Prince Regent Street, Stockton-on-Tees TS18 1DB

- 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 Clear Channel UK against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 22/1342/ADV, dated 8 June 2022, was refused by notice dated 12 January 2023.
 - The advertisement proposed is described as the installation of a wall mounted illuminated 48-sheet D-poster (digital) display and ancillary vertical meadow.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description contained within the application and appeal forms and reflected in the heading above differs to that cited on the Council's decision notice as the latter does not make any reference to the proposed ancillary vertical meadow. My assessment of this appeal includes the vertical meadow because it forms part of the advertisement structure and that is what the appellant has sought permission for.
3. The Council has cited the National Planning Policy Framework and Policies SD8 and HE2 of the Stockton-on Tees Borough Council Local Plan in its decision notice. Whilst I have had regard to these as material considerations, the control of advertisements is exercisable only with respect to public safety and amenity.

Main Issue

4. In this case the Council has no objection over safety. From the evidence before me and my site inspection I have no cause to dispute that assessment. The main issue is therefore the effect of the appeal proposal on amenity, with particular regard to the character and appearance of the street scene and the significance of the Stockton Conservation Area.

Reasons

5. The appeal site is an existing 2 storey commercial premises which is situated on a main pedestrian and transport route, and which bounds a public car park. This side of Prince Regent Street falls just within the limits of the Stockton Conservation Area. The commercial urban character and appearance of the host building and its well-trodden context is defined by its legacy as a town centre and the prevalence of local businesses and their associated signage.

There is a distinct absence of soft landscaping in this part of Stockton. This reinforces the essence of this part of the town centre.

6. In view of the limited heritage evidence before me, from my site inspection I observed that the significance of the Stockton Conservation Area is both architecturally and culturally derived from the long-standing role and function of this town centre for its hinterland.
7. The Council has submitted a plan which confirms that No 28 West Row, a 3 storey Grade II Listed Building, is located within the building group which forms part of the immediate context to the appeal site. From my site visit it is evident that this asset's significance reflects that of the Conservation Area within which it stands.
8. Visually, the historic fabric of this edge of the Conservation Area has been eroded over time through the replacement of some traditional buildings and the clearance of others to make way for public car parking facilities. Nonetheless, just beyond the appeal site the more intimate, smaller-scale character and appearance of this Town Centre's historic buildings and public realm is evident. These form an important historic backdrop to the appeal site.
9. Although the group of buildings within which the appeal site stands have been subject to some contemporary alterations to their elevations, overall, they continue to make a positive visual contribution to this part of the Conservation Area and therefore the way in which the significance of these designated heritage assets is currently experienced and appreciated.
10. The proposed digital advertising hoarding would be sited on the exposed gable end of the host property, at first floor level, with a vertical meadow below. The location and orientation of the host property means that its exposed gable end is highly prominent on approach when travelling northward along Prince Regent Street by foot or vehicle as far back as the junction with Yarm Lane. Whereas the occupants of the facing commercial properties opposite would capture only oblique views. Consequently, its presence would be confined to localised vantage points and would be experienced within the context of the existing surrounding commercial premises and their associated signage.
11. The proposed unit would be of a landscape format and slightly offset to one side. The host gable elevation is devoid of any notable architectural features. Therefore, no distinctive architectural features would be obscured by the appeal proposal. Nonetheless, the totality of the display unit and vertical meadow would mean that most of this elevation of the host building would be covered.
12. Such a ratio would result in an overly domineering effect. Therefore, the size and overall scale proposed would not be proportionate to that of its host. Moreover, there are no other advertisement displays in the vicinity of the appeal site which are of the design form and scale of the proposal before me.
13. Overall, I am satisfied that appropriately worded conditions to manage the frequency, type, nature, luminance and quality of the digital formatted advertisements would secure a display which would not be dissimilar to a poster advertisement. Furthermore, I acknowledge the environmental benefits of this contemporary advertisement solution.

14. Nonetheless, even if the hours of operation were controlled, the combination of the appeal proposal's commanding exposed position, large scale and illuminated dynamic digital format would significantly heighten its presence within this street scene, particularly during the hours of darkness. This would be to a level which would be both out of character, overly domineering and therefore an inappropriate addition to this street scene. The proposed vertical meadow would be an alien feature which would further emphasise this, being in an area where the distinct absence of soft landscaping is part of its character.
15. Given the differentials in height and relative positioning between the host building and No 28, the appeal proposal would be read with very limited glimpses of the upper most part of that Listed Building's side elevation. Nonetheless, it would further erode the character and appearance of the Conservation Area which forms its setting. The proposed change would be an undue adverse distraction to the way in which both important heritage assets are currently experienced. The harm that would arise would be less than substantial and would not preserve or enhance the character or appearance of the Conservation Area.
16. The identified harm is exacerbated by the proposed vertical hanging meadow feature. However, even by imposing a condition to secure a scheme without that component, an overly obtrusive and dominant display would result for a significant period which would be detrimental to the amenity of the area. The proposal is designed and sited to draw the eye, exacerbating the harms I have identified from the design, scale and massing of the proposal at this location. None of the matters advanced by the appellant weighing in favour of the appeal scheme would outweigh the heritage harm that I have identified.
17. For all of these reasons, the appeal proposal would be harmful to amenity, with particular regard to the character and appearance of the existing street scene and the significance of the Stockton Conservation Area. This conflicts with Policies SD8 and HE2 of the Stockton-on Tees Borough Council Local Plan.

Conclusion

18. For the reasons given above, I conclude that whilst there is no harm to public safety, the appeal proposal would be detrimental to the interests of amenity. Therefore, the appeal should be dismissed.

C Dillon

INSPECTOR