



Appeal Decision

Site Visit made on 3 August 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 September 2021

Appeal Ref: APP/X1355/W/21/3274247

64 Gilesgate, Gilesgate DH1 1HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Nick Swift against the decision of Durham County Council.
 - The application Ref DM/20/03455/FPA, dated 24 November 2020, was refused by notice dated 19 March 2021.
 - The development proposed is change of use from dwelling to two flats (use class C3) including internal alterations and fenestration changes.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Part E of the appeal form indicates that the description of development has changed to that which is set out in the Council's Decision Notice. This was due to it being amended during its consideration by the Council from three flats to two. As both parties have indicated that this description is acceptable, I have used it above and determined the appeal on this basis.
3. For clarification, the proposal is not for a change of use to a house in multiple occupancy (HMO). Whilst there would be nothing to preclude its use as accommodation for students, I have dealt with the appeal on the basis that it is made, for the change of use to two flats within Class C3 of the Town and Country Planning (Use Classes) Order 1987 (as amended).
4. Since the submission of the appeal, the Durham City Neighbourhood Plan ('the Neighbourhood Plan') has been made. I have taken this into account in my consideration of the appeal.
5. I have taken into account the revised National Planning Policy Framework ('the Framework'), as published on 20 July 2021. Any reference to the Framework below is consequently a reference to this latest revised version.

Main Issue

6. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Durham City Conservation Area ('the CA').

Reasons

7. 64 Gilesgate is a mid-terraced dwelling on the north side of a thoroughfare that slopes down towards the city centre. The buildings front this side of the road

and are predominantly faced with brick with a strong linear form stepping down the incline of Gilesgate Bank in the vicinity of the appeal site.

8. As is referenced in the Durham City Conservation Area Character Appraisal (2016) ('the CAA'), the overall plan form of the built development in the Gilesgate Character Area is typically very simple and most commonly a slightly informal rectilinear shape. Buildings tend to display a simple, robust massing, with subtle variation, whilst the continuous building form along this side of the road is broken only by vennels (alleys) and the occasional access road. I saw that doors tend to be aligned with first floor windows and set apart from one another. Windows, predominantly consisting of sliding sashes, are also typically aligned with one another in a regular arrangement. This creates a regular pattern of solid walling interspersed by areas of fenestration stepping down the slope. The consistent rectilinear form and the regular alignment of fenestration stepping down the slope are features which contribute to the significance of the CA insofar as it relates to this appeal.
9. The appeal property is a brick-faced dwelling which, like the majority of dwellings in this terrace, has a single doorway and corresponding first floor window positioned on the downhill side of the front elevation, close to the boundary with the attached property. A further ground floor window and a first floor window aligned above it are located on the front elevation, set in from the boundary with the dwelling on the eastern side, 65 Gilesgate, which steps up the slope. Given its arrangement of fenestration, rectilinear form, and materials, I saw that No 64 reinforces the characteristics that contribute to the significance of the CA as set out above.
10. As part of the proposal to convert the appeal property to two flats, a new doorway would be inserted into the front elevation to provide direct access to the rear. This would be positioned on the uphill side of the ground floor window and reasonably tight to the boundary and adjacent doorway of No 65. The uncharacteristic proximity of the two doors with little walling between them would appear discordant and at odds with the regular arrangement of fenestration referred to above. Given its lack of alignment with any existing opening, the doorway would also appear as a haphazard and ad hoc addition to the streetscene.
11. Moreover, the formation of a doorway in this part of the building would erode its solid appearance and interrupt the pattern of solid walling to fenestration that is characteristic of the streetscene and contributes to the significance of the CA. Whilst I note that there are properties along the terrace that have more irregularly arranged windows, these appear to be more recent additions and are nonetheless the exception rather than the norm.
12. The appellant argues that the doorway would be seen as one of the vennels referred to in the CAA. However, these routes are not common in the vicinity of the appeal site and, where they are present, tend to be located in the gaps between terraces rather than within the buildings. Nevertheless, for the above reasons I have found the position of the proposed doorway to be discordant. For these reasons, the proposal would be harmful to the character and appearance of the streetscene and would thereby fail to preserve or enhance the CA. Nevertheless, the harm would be less than substantial and in accordance with paragraph 202 of the Framework, that harm should be weighed against any public benefits of the proposal.

13. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires decision makers to have special regard to the desirability of preserving or enhancing the character or appearance of the Conservation Area, to which I have attached considerable importance and weight.
14. There is a disagreement between the Council and the appellant over the level of demand for the flats proposed. I note that they would be well sited in relation to the city centre and would add to the overall mix of accommodation in the area with potential to make a positive, albeit comparatively limited, contribution to the housing supply. Economic and employment benefits would also arise from the construction and occupation of the new flats and from the investment in the area. Nonetheless for the reasons outlined above, these comparatively minor benefits would not outweigh the harm that I have found to the CA.
15. For the above reasons, I conclude that the proposed development would fail to preserve or enhance the character and appearance of the Durham City CA. The proposal would therefore be contrary to Policy 44 of the County Durham Local Plan (2020) and Policy H2 of the Neighbourhood Plan which seek, amongst other things, to conserve heritage assets. The proposal would also conflict with the Framework insofar as it seeks, amongst other things, to ensure that heritage assets are conserved in a manner appropriate to their significance and to provide high quality design. In addition, by virtue of the harm identified above, there would be a minor effect on the quality and significance of the Inner Setting of the Durham Cathedral and Castle World Heritage Site as identified in Policy H1 of the Neighbourhood Plan.

Conclusion

16. For the reasons given above, I conclude that the proposal conflicts with the development plan as a whole and that the appeal should be dismissed.

Paul Martinson

INSPECTOR