



Appeal Decisions

Site visit made on 22 August 2022

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 30 August 2022

Appeal A Ref: APP/X1355/W/22/3299983

199 Gilesgate, Durham DH1 1QN

- 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 Mr Nathan Holloway against the decision of Durham County Council.
 - The application Ref: DM/22/00810/FPA, dated 17 March 2022, was refused by notice dated 13 May 2022.
 - The development proposed is external works to the rear of the property to enlarge structural opening to install thin profile bifolding doors. Internal works to remove existing chimney breast at ground floor only.
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Appeal B Ref: APP/X1355/Y/22/3302075

199 Gilesgate, Durham DH1 1QN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Nathan Holloway against the decision of Durham County Council.
 - The application Ref: DM/22/00814/LB, dated 17 March 2022, was refused by notice dated 13 May 2022.
 - The works proposed are external works to the rear of the property to enlarge structural opening to install thin profile bifolding doors. Internal works to remove existing chimney breast at ground floor only.
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Decisions

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

Preliminary Matters

3. The title and first name of the applicant are not included on the application form. However, the surname given on the application form matches that on the appeal form, which also provides a title and first name. I have therefore used the appellant's name as stated in the appeal form in the headings above.
4. In relation to application Ref: DM/22/00814/LB and Appeal B, the Council's delegated report and decision notice refers to the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 (the Act). However, this section of the Act concerns 'whether to grant planning permission for development which affects a listed building or its setting.' As this application and appeal concern 'whether to grant listed building consent for any works', the proposal requires to be assessed against section 16(2) of the Act. I have therefore determined Appeal B on this basis. As the requirements of

sections 66(1) and 16(2) of the Act are the same, namely, to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses, I consider that the interests of no party have been prejudiced by this approach.

5. The appellant submits that 'the listing of the house relates solely to the external fascia features of the property, with no mention of any interior historical assets.' Nonetheless, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the building's special interest. Moreover, when a building is listed, it is listed in its entirety. This means that, unless parts, features or structures are specifically excluded in the list description, both the exterior and the interior are protected, along with any object or structure fixed to the building, and any object or structure within the building's curtilage, which although not fixed to the building, forms part of the land and has done so since before 1 July 1948. Consequently, and for the avoidance of doubt, I have determined the appeals on the basis that the appeal property in its entirety forms part of the Grade II listed building, 199 and 200 Gilesgate.

Main Issue

6. The main issue is whether the proposal would preserve the Grade II listed building, 199 and 200 Gilesgate, or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

7. The appeal property occupies a prominent position on Gilesgate, an important historic route within the City of Durham. It forms part of a Grade II listed building, 199 and 200 Gilesgate¹, comprising two mid-terrace houses which date from circa 1790. The dwellings are constructed of brick, possessing an incised stucco frontage to No 199 and a painted frontage to No 200, and Welsh slate roofs.
8. The front of the building has maintained its aesthetically pleasing Georgian architectural form and features; and although the rear elevation has been altered in the past, including the insertion of modern doors and the replacement of windows, this has not unduly eroded the building's intrinsic heritage merit.
9. From the evidence before me, the building's special interest and significance are largely derived from its illustration of late-18th century domestic architecture; its polite architectural style; and the contribution it makes to the composition and historic value of the wider terrace. Important contributors in these regards which are pertinent to the appeals, are its use of traditional materials; surviving historic fabric; the legibility of its historic plan-form; and the discernability of its historic internal hierarchy of rooms.

Appeal proposal and effects

10. On the rear elevation at basement level, a window, French door and part of the external wall would be removed to create a wide opening into which thin profile

¹ Heritage List for England, List Entry Number: 1120652.

aluminium, critall style, glazed bifolding doors would be inserted². An adjacent glazed door at this level would also be removed and replaced with a glazed door to match the style of the glazed bifolding doors. Internally at ground floor level the chimney breast would be removed. The positions of a downpipe and soilpipe on the rear elevation would also be changed.

11. The modern window and doors on the rear elevation at basement level are of no historic value and, although the window is of some architectural merit in that it replicates a traditional multi-pane, sliding-sash unit, their loss would not adversely reduce the overall heritage merit of the listed building. However, the removal of part of the external wall at this level to create an expansive opening would result in the irrevocable loss of historic fabric, to the detriment of this designated heritage asset.
12. The creation of such a wide opening would damagingly further diminish the solid to void ratio of the elevation at this level, and the insertion of sizeable glazed bifolding doors would introduce a jarring horizontal emphasis to the building's fenestration when compared to the verticality of its existing openings. Moreover, even though the proposed critall style units would be fairly minimalist in form and design, they would be discordant in terms of their material and style.
13. Internally, the proposed removal of the chimney breast at ground floor level would lead to the harmful loss of additional historic fabric. Furthermore, the creation of an open-plan space would severely diminish an understanding of the building's historic plan-form and the historic internal hierarchy of its rooms.
14. I acknowledge that a chimney is not necessarily practically required in this smokeless area of the City. I also observed when on site that the chimney breast at this level is featureless with a plaster finish. Nonetheless, as a key architectural feature of the building, the chimney breast's presence at all floors is fundamental to the building's layout and narrative.
15. Taken together, the proposed development and works would harmfully erode the historic and architectural integrity of the listed building and would not conserve it in a manner appropriate to its significance. That the front elevation, upper floors and roofscape of the building would not be affected would not compensate for the identified harm or sufficiently justify the proposal.
16. No details have been submitted regarding any structural intervention required as part of the creation of the new opening or the removal of the chimney breast. Whilst I note the Council have included a condition relating to the removal of the chimney breast which the appellant is willing to accept, these omissions are a concern when assessing the effects of the proposal on the special interest and significance of this designated heritage asset, and compound my concerns set out above.
17. The Council has not commented on the proposed alterations to the downpipe and soilpipe on the rear elevation. Having regard to the evidence before me, I consider that this element of the proposal would have a neutral effect on the special interest and significance of the building. Nevertheless, a lack of harm in this regard does not amount to a consideration in support of the appeals.

² From description of proposed development/works in application form and drawing ref: NH_DH987/02.

18. When on site I observed that the proposal would be largely concealed when viewed from adjacent public routes. Nonetheless, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained. Consequently, this attracts little weight in favour of the appeals.
19. Drawing all of the above together, I find that the proposal would fail to preserve the Grade II listed building, 199 and 200 Gilesgate, or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of sections 16(2) and 66(1) of the Act. As a result, the proposal would harm the special interest and significance of this designated heritage asset.

Public benefits and balance

20. Paragraph 199 of the National Planning Policy Framework, 2021, (the Framework) advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
21. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the extent of the development and works relative to the building as a whole, I find the harm to the listed building to be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the asset's optimum viable use.
22. Economic benefits would be brought about through the construction phase and the general investment into the property. Additionally, social and environmental benefits would be generated through improvements to the local housing stock, which the appellant asserts would be much improved noise abatement and thermal performance.
23. These outcomes would assist the delivery of the main objectives of the planning system as outlined in the Framework and represent benefits that would flow to the public at large. The scale of the benefits is limited by the modest extent of the proposal, but still carry weight in favour of the appeals.
24. Nonetheless, the primary outcomes of the proposal, namely the modification of the building to allow for open plan living and the creation of, what the appellant contends would be, brighter internal spaces and an improved standard of living, would be solely of private benefit to the appellant. Although I acknowledge the desire of the appellant to adapt the building to their personal requirements, this should not involve development and works that would compromise the building's special interest and significance to an unacceptable degree.
25. I note that the proposed alterations have been carefully considered. However, I am not persuaded that, as proposed, they are fundamentally necessary to facilitate 'contemporary living' within the dwelling. I am also not convinced that

securing some or all of the identified public benefits could not be achieved in a more sympathetic and less harmful way to the significance of the designated heritage asset. Moreover, no compelling evidence is before me which confirms that the property would not be useable or viable as a dwelling or that its future would be at risk if the appeals were to fail and the proposal, as submitted, was not implemented. In these respects, the identified harm to the significance of the listed building has not been clearly and convincingly justified.

26. Overall, the weight that I ascribe to the public benefits that would accrue from the proposal, is not sufficient to outweigh the considerable importance and weight that I attach to the harm I have found.
27. Accordingly, the proposal would not preserve the Grade II listed building, 199 and 200 Gilesgate, or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of sections 16(2) and 66(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment. It would also conflict with Policy 44 in the County Durham Plan, adopted 2020, which seeks that development sustains the significance of heritage assets.

Other Matters

28. The appeal property is also located within the Durham (City Centre) Conservation Area (the DCA) and the inner setting of Durham Cathedral and Castle World Heritage Site (the WHS). In line with section 72(1) of the Act, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the DCA. I also recognise that the WHS is a designated heritage asset of the highest significance, internationally recognised as being of outstanding universal value.
29. Bearing in mind the position, nature and extent of the proposal, I consider that it would have a neutral effect on, and would therefore preserve, the character and appearance of the DCA as a whole. For the same reasons, I find that it would maintain the outstanding universal value of the WHS. As such, the proposal would not harm the significance of these designated heritage assets. I note that the Council had no concerns in these respects either. Nevertheless, this weighs neither for nor against the appeals and does not alter my conclusions on the main issue.

Conclusions

30. **Appeal A:** The proposed development would conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
31. **Appeal B:** For the reasons given, I conclude that Appeal B should be dismissed.

F Cullen

INSPECTOR