



Appeal Decision

Site visit made on 8 August 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 30 November 2022

Appeal Ref: APP/X1355/W/22/3298054

9 Station Lane, Gilesgate, Durham DH1 1LJ

- 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 N Swift of Aztec North against the decision of Durham County Council.
 - The application Ref DM/21/00101/FPA, dated 12 January 2021, was refused by notice dated 7 February 2022.
 - The development proposed is described as proposed extension and conversion to 2no apartments.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. With this appeal, the appellant has submitted amended drawing reference 1143-04 Revision A 'Proposed Floor Plan and Elevations'. This shows the flats as one bedroom, two person dwellings and these now meet the National Design Space Standards. The Council has considered this information and has confirmed that this would be sufficient to remove its reason for refusal related to minimum required space standards.
3. Having regard to the Wheatcroft principles¹, I have considered whether those who should have been consulted on the changes to the revised plan would be disadvantaged. As the proposed changes are internal and would not impact on character and appearance of the area or living conditions to neighbouring residents, I do not consider that any party would be disadvantaged by my acceptance of the revision. Based on the evidence presented and my observations on site, I find no reason to question the Council's assessment and concur that this addresses the issue regarding minimum required space standards.

Main Issue

4. The main issue is the effect of the proposal on the property as a non-designated heritage asset and the character or appearance of the Durham (City Centre) Conservation Area (CA).

Reasons

5. The appeal property sits to the south side of Station Lane and is a two-storey end terrace. It is stone built with pitched front roof and a cat-slide rear roof

¹ Bernard Wheatcroft Ltd v Secretary of State for the Environment [JPL, 1982, P37]

with small rear dormer. The site lies within the Upper Gilesgate sub-character area of the CA. The Grade II Listed former Gilesgate Railway Station lies on the opposite side of the road to the property.

6. The significance of this part of the CA lies in it being an original route into the city, with a street pattern which emanates from Medieval times. The northern side of the steep Gilesgate bank is lined with two storey predominantly Georgian and Victorian (with some modern infill) residential properties. To the rear of the long narrow plots on which the Gilesgate properties are located are modest buildings which front onto the southern side of Station Lane. These buildings appear to have been associated with the railway, noting that the listed former Gilesgate Station is located opposite.
7. Whilst the appeal building has been converted to residential use. The parties agree it was previously an outbuilding associated within 64 Gilesgate and possibly a surviving Victorian coach house. While historically outbuildings have been a characteristic feature of the plan form of this area, many have been subsequently lost through cumulative changes over time. This has resulted in the appeal property becoming a rare example of this type of building. For these reasons, the Council considers it meets the criteria as a non-designated heritage asset (NDHA) and the appellant does not dispute this assessment.
8. The proposed rear extension would necessitate a significant change to the rear walls and roof of the host building. There would be a substantial increase in its rear height and mass, contrasting with the more modest existing form and proportions of this part of the building. Specifically, existing features of the modestly scaled rear elevation, such as the rear cat slide roof and small rear dormer, would be lost.
9. The roof modification would necessitate an unusual infill wall section which would be visible as part the western elevation as seen in public views from Station Road. This would appear to increase the mass of the roof form in this view. Views of the eastern elevation are more restricted due to the presence of garden fences and trees. Nonetheless there would be some awareness of the significant increase in built mass. This would be particularly so after leaf fall during the winter months.
10. The proposed alterations to the front elevation would be acceptable, and the extensions would be constructed using similar materials. However overall, the proposal would undermine the host property's character and appearance. Specifically it would undermine the modest plan form and scale of this former outbuilding, a fundamental element of the significance of this NDCA. It would also alter the appearance and prominence of the building in these parts of the streetscene, causing harm to character of the wider CA.
11. For these reasons I find that the proposal would be harmful to the character and appearance of the NDHA. This would result in a diminution of the positive contribution it makes to the significance of the CA. Consequently, the development would not preserve or enhance the character or appearance of the heritage asset. In this regard it would be in conflict with Policies 29 and 44 of the County Durham Plan 2020 and Policy H2 of Durham City Neighbourhood Plan 2020-2035 which together require that development should contribute positively to the built and historic environment. Policy 44 also seeks for development to sustain the significance of non-designated heritage assets, including any contribution made by their setting.

12. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Furthermore, paragraph 203 of the National Planning Policy Framework (the Framework) says that the effect of an application on the significance of a non-designated heritage asset should be taken into account. In weighing proposals that affect non-designated heritage assets, a balanced judgement will be required, having regard to the scale of any harm or loss, and the significance of the heritage asset.
13. I consider the harm to the CA would be limited, so would be 'less than substantial' for the purposes of paragraph 199 of the Framework. That does not mean that less than substantial weight should be afforded to the harm. Paragraphs 199 and 200 state that great weight should be given to the asset's conservation, and that any harm to, or loss of, its significance should require clear and convincing justification.
14. Paragraph 202 requires that where a proposal would lead to 'less than substantial' harm, the harm should be weighed against the public benefits of the proposal. In this regard, the proposal would convert the appeal property into two flats. Public benefits would arise through creation of an additional modern dwelling, updating and improving of an existing dwelling and the economic benefits associated with construction. However, as the proposal would only result in the creation of two dwellings, one of which already predominantly existed, the overall benefits would be limited, I therefore give these benefits limited weight. They would not outweigh the great weight that the Framework gives to conservation of heritage assets.

Other Matters

15. The proposal would not impact on open space however, I have still identified harm to the NDHA.
16. Certain alterations and additions may be possible without planning consent. However, I have assessed the scheme on the basis of the plans before me and found there to be harm.
17. The appeal property is close to the Grade II Listed former Gilesgate Railway Station. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that in considering applications which affect Listed Buildings that special regard is paid to the desirability of preserving the building or its setting. The proposal would largely conserve the appeal buildings front façade which faces the listed building. It would therefore preserve the special interest and setting of the listed building.

Conclusion

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

J Symmons

INSPECTOR