



Appeal Decision

Site visit made on 14 March 2024

by P Storey BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 April 2024

Appeal Ref: APP/X1355/W/24/3336609

Land to the north of 28 North Terrace, Seaham, Durham SR7 7EU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr David Gill against the decision of Durham County Council.
 - The application Ref is DM/23/00700/FPA.
 - The development proposed is erection of 1 no. 3 storey building comprising of 3 no. units (Use Class E(a), E(b), E(c), E(d), E(e), E(g)(i)) or sui generis (drinking establishment) to ground floor, 1 unit (Use Class E(a), E(b), E(c), E(d), E(e), E(g)(i)) or sui generis (drinking establishment) to first floor and 4 no. residential units (Use Class C3) ancillary to the commercial units to the ground and first floor to the second floor.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site is within the Seaham Conservation Area (the CA). Accordingly, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), which requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the area.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area bearing in mind the extent to which it would preserve or enhance the character or appearance of the CA.

Reasons

4. The appeal site is a vacant parcel of land on the southwest corner of the junction between North Terrace and Tempest Road. It lies close to the shops and commercial amenities of Seaham town centre, as well as the sea front.
5. The CA covers a reasonably large area covering much of the town centre and its adjoining, predominantly residential areas. The Seaham Conservation Area Character Appraisal and Management Plan (the CAMP) states that the CA is defined by the importance of its historic interest as a Victorian boomtown and its past function as a hub for coal transportation along the Durham Heritage Coast. This is reflected in the CA's inclusion of remnants of key historic transport infrastructure including the harbour and industrial rail links.
6. The CA retains a historic street pattern that the CAMP notes is largely unchanged since the 19th century. North Terrace and Tempest Road are

identified within the CAMP as containing some of the oldest groups of properties in the town, and that these groups generally follow the same basic typology of 2-storey terraces built in brick, limestone or a mixture of both. This is true of the older buildings forming part of North Terrace, although it also contains some more recent development of differing typology. However, Tempest Road is specifically noted by the CAMP as containing grander buildings with distinct styles. This is specifically true of the two short rows of fine terraced dwellings to the north and northwest of the appeal site.

7. The CA also includes some spacious areas of public realm such as the area around the war memorial between North Terrace and the sea front. To the north of this area and east of the appeal site is a grand terrace of dwellings extending towards the coastline. A taller building displaying fine architectural detailing adjoins the western end of this terrace, identified by the CAMP as a former bank. This sits on the diagonally opposite side of North Terrace from the appeal site.
8. Given the above, the significance of the CA is primarily derived from the town's historic association with industry from the Victorian era onwards, and the influence this has had on its layout and architecture. Its contrasting character includes areas of open space, functional streets directly linked to commerce and industry, and fine residential terraces suggestive of the wealth generated through its industrial heritage. These elements all contribute to the CA's significance.
9. To the south of the appeal site, North Terrace is formed predominantly of ground floor commercial uses including cafes, restaurants, bars and shops. Excluding the building used as a pet grooming business immediately to the west of the appeal site, the areas to the north and west are predominantly residential. To the east and southeast, the land is primarily associated with open space and recreation. As such, the appeal site lies at a confluence of areas of differing character within the CA.
10. It is understood that the site has been vacant since the demolition of the former Seaham Infirmary in the 1960s. When viewed in isolation, given its rough surface treatments and lack of formal landscaping, the site contributes little to the significance of the CA. Nevertheless, owing to its prominent corner position, it is clearly visible from many surrounding vantage points. Its open and spacious nature, having existed in this state for several decades, therefore forms an established characteristic of the CA.
11. Although the proposed building would be set back from the North Terrace frontage, it would sit tight to the northern boundary adjacent to the Tempest Road footway. The northern elevation would not sit parallel to the street frontage, with the easternmost part stepping outwards at the northeast corner. Whilst I note this is due to the site's asymmetrical geometry, the resulting staggered arrangement would, in part, step forward of the corresponding building lines to the west along Tempest Road. This would contrast uncharacteristically with the prevailing pattern of development in the area. It would also sit tightly to the road, with its imposing nature uncomfortably reducing the spaciousness enjoyed by the terrace of 1-7 (odds) Tempest Road, consequently diluting its contribution to the significance of the CA.
12. Moreover, when travelling eastbound along Tempest Road, the open vista of the coast is visible from a considerable distance, with the lack of development

on the appeal site enhancing these views. By virtue of its scale, and because the proposed building would partially step forward of the corresponding building lines to the west, it would significantly encroach on these sightlines and would create an uncomfortable sense of enclosure at the eastern end of the road.

13. The height of the proposal would be comparable to neighbouring pitched roof buildings on Tempest Road and North Terrace. The roof would be a mansard type which, although steeper and not directly comparable to adjacent development, would incorporate similar, albeit contemporary, elements to those found on the nearby former bank building. When viewed as part of the North Terrace frontage, it would be stepped back from the adjacent buildings and would generally appear as an inclusive part of the streetscape. Notwithstanding my previous findings, the height and detailing of the proposed development would be broadly compatible with its surroundings.
14. There is a general consensus between the main parties and other interested parties that redevelopment of the site represents a positive opportunity for the area. It is also unambiguous that any such proposals would invariably reduce the site's current sense of spaciousness and openness. Nevertheless, for the reasons given previously, the overall effect of the proposal, particularly in relation to the effect of its mass, scale and siting on the Tempest Road frontage, would be of a visually dominant and incongruous addition to the streetscene.
15. Paragraph 205 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting, and that this should have a clear and convincing justification. Given my findings above, the harm to the CA is less than substantial in this instance but nevertheless of considerable importance and weight.
16. Under such circumstances, paragraph 208 of the Framework advises that this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use. The appellant notes that public benefits would include the recycling of a disused site in a sustainable location and the provision of an active ground floor frontage. It is also estimated the proposal would generate over 60 full and part time jobs with other indirect employment, and additional employment during the construction phase.
17. I do not dispute that certain public benefits would arise through the considerations identified above and I afford them moderate weight in favour of the proposal. Nevertheless, the statutory duty set out in the Act directs that I pay special attention to the desirability of preserving or enhancing the character or appearance of the CA. Given my previous findings, I do not find evidence of sufficient public benefits to outweigh the harm to the CA, given the great weight that must be given to its conservation.
18. For the reasons given above, by virtue of its mass, scale and visual dominance, the proposal would be harmful to the character and appearance of the area and would fail to preserve or enhance the character or appearance of the CA,

resulting in harm to its significance that would not be outweighed by public benefits. The proposal would therefore conflict with Policies 29 and 44 of the County Durham Plan – Adopted 2020 (the CDP), which together seek, in respect of this issue, for development proposals to achieve well designed buildings and places, to contribute positively to an area’s character, identity, heritage significance and townscape, and for great weight to be given to the conservation of all designated heritage assets and their settings. It would also conflict with the relevant provisions of the Framework, which have similar aims.

Other Matters

19. The planning application was recommended for approval by the Council’s officers but was refused by committee. This is an established democratic process and members of committee are not obliged to agree with the recommendation of officers. In making my decision I have had regard to all submitted evidence, including the report recommending approval of the application. The fact that members determined the application contrary to officer recommendation does not alter my conclusions on the main issue.
20. I acknowledge the appellant’s statement that the site was acquired from the Council following positive feedback regarding potential development proposals. Whilst I note the excerpts from the design presentation to the Council, I am not aware of the full circumstances surrounding the acquisition of the site. I therefore give limited weight to this matter.
21. The Council’s committee report notes that the proposal would necessitate mitigation of recreational impacts on the Northumbria Coast Special Protection Area (SPA) and the Durham Coast Special Area of Conservation (SAC). The appeal submission has sought to address this matter by providing a completed unilateral undertaking to secure a financial contribution towards the Coastal Access Management and Monitoring Measures (CAMMs) Tier 2 Beachcare and Wardening Programme, which aligns with the recommendation in the Council’s committee report. If I was minded to allow the appeal, it would have been necessary to consider this matter within an Appropriate Assessment. However, because I am dismissing the appeal for other reasons, I have not done so.

Conclusion

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

P Storey

INSPECTOR