



Appeal Decision

Site visit made on 8 October 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 October 2024

Appeal Ref: APP/X1355/W/24/3344759

72 Church Street, Seaham SR7 7HE

- 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 Ashley Gutsell against the decision of Durham County Council.
 - The application Ref is DM/23/01201/FPA.
 - The development proposed is new shop frontage and change of use from Bar to Cafe and Takeaway.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The new shop frontage and change of use from a bar to a café and takeaway has been completed and I observed this to accord with the plans before me. I have considered the appeal on this basis.

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Seaham Conservation Area (CA).

Reasons

4. The appeal site is a two-storey building located towards the end of a linear, pedestrianised high street. The property is located between a three-storey building, which marks the end of the high street and a two-storey property. Many of the shops within the street, particularly those close to the appeal site retain their traditional shop frontages, with simple timber fascia signs and mouldings, pilasters and timber sliding sash windows to the first floor. According to the evidence before me, prior to the works, the building had a traditionally proportioned and detailed shopfront with roller shutter and timber framed sash windows to the first floor.
5. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA) requires special attention to be paid to preserving or enhancing the character or appearance of conservation areas. In addition, the Framework requires great weight to be given to the conservation of heritage assets.
6. The CA covers a large area including the harbour and town centre. Its significance is derived from the layout, buildings and features that reflect its original purpose as a port for the export of coal from the Durham collieries.

Given the above, I find that the significance of the CA, in so far as it relates to this appeal is primarily associated with the planned layout of the town centre, running in a grid like form, eastwards towards the harbour and the traditional appearance of shop fronts. Although the cohesive appearance of the high street has been interrupted by modern shop fronts lacking in historic qualities, many of the properties along the high street retain traditional architectural features. Prior to the works undertaken the host property retained its traditional appearance and therefore made a positive contribution to the significance of the CA.

7. The Conservation Area Appraisal (2006) (CAA) says that Church Street is the principal retail area of the town and has developed within a tight grid of streets with small shop frontages with timber surrounds and mouldings. Although the CAA is of some age, the approaches are still applicable. The CAA recognises that a few properties have been spoiled by inappropriate development such as replacement windows and the cumulative effect destroys the traditional character of a building and that this is particularly relevant to terraces where it is the repetitive nature of features that unites the group.
8. The area has received public funding as part of the Seaham Townscape Heritage project, which aims to restore buildings and improve spaces within the CA to create attractive, vibrant and interesting places for people to live, work and visit.
9. The previous shop front sign was a timber material and had similar proportions to those of neighbouring properties. The replacement sign sits below the level of signs on the adjoining properties and is modern in design and materials. The sign has a protruding circular element to one side with an external downlight underneath, which illuminates the large glass menu board which is mounted onto a dark coloured tiled panel. A solid roller shutter is mounted under the sign which covers the glazed windows and doors.
10. The use of fully glazed windows and double doors has altered the vertical profile of the shopfront, which is at odds with the other shop frontages along the street, many of which have stallrisers. The arrangement of the tiled areas and the windows and doors has unbalanced the proportionate appearance and eroded the traditional form of the shop front. Furthermore, the tile material on the front face of the building is not part of the local character and appears incongruous within the street scene.
11. The replacement upvc windows have a thicker profile than timber frames in addition to ventilation bars and therefore have a different appearance to the traditional sash windows, which were removed. Although there are examples along the high street of upvc windows the loss of this traditional feature has caused further harm to the character and appearance of the conservation area.
12. The cumulative changes to the shop front and its signage have appreciably altered the traditional appearance of the building and its simple proportions and timber sign detailing. The effect of the works have harmfully eroded the building's special interest, which contributes to the significance of the CA and fails to preserve and enhance the character and appearance of the CA.
13. The appellant has referred me to a number of examples to demonstrate the character of shopfronts in the area. These examples show a varied degree of

changes to the traditional character of shop frontages. However, many of these examples illustrate the retention of traditional shop fronts such as pilasters, mullions and stallrisers. Nevertheless, it is evident from these examples that where there has been a loss to their traditional appearance that the changes have led to incremental harm to the character and appearance of the CA.

14. The appellant has drawn my attention to the modern shopping centre development known as Byron Place. Although this is in close proximity, it is not located within the CA and is a separate, more modern addition to the town. In addition, the appellant suggests that the more modern street furniture additions impact the character and appearance of the CA. Although these are modern, they are simple in appearance and do not harm the character and appearance of the traditional shop frontages.
15. I conclude that the proposal would fail to preserve the character or appearance of the CA. The proposal thereby conflicts with policies 29 and 44 of the County Durham Plan (2020) which seeks amongst other things to ensure that new development contributes positively to an area's character, identity and townscape features and seeks opportunities to enhance and where appropriate better reveal the significance and understanding of heritage assets.
16. The proposal also includes the installation of a wall mounted flue to the rear of the property. As this is within the context of commercial premises where similar extractor units are in place, the parties agree that this would not be detrimental to the character and appearance of the CA. I have no reason to disagree with the parties on this matter.

Heritage Balance and Conclusion

17. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their 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 that the proposal would erode the traditional appearance of the shop frontage, which is a positive contribution to the significance of the CA, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
18. Paragraph 208 of the Framework says that where harm is identified to the significance of designated heritage assets that it should be weighed against the public benefits of the proposal. I acknowledge that the proposal is located within the town centre where the proposed use is supported in principle. Furthermore, it has brought an empty property back into use and would have a positive impact on the local economy. However, I am not persuaded that the benefits of the proposal are sufficient to outweigh the harm that I have identified to the character and appearance of the CA.
19. In reaching my decision I have paid special attention to the requirements of S72(1) of the PLBCAA. I find that there are no public benefits of the proposal that outweigh the harm that would be caused to the CA. I therefore conclude that the proposed development would conflict with the development plan,

when taken as a whole, and would fail to accord with the provisions of the Framework. There are no material considerations that indicate that the decision should be made other than in accordance with the development plan. Accordingly, for the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR