



Appeal Decision

Site visit made on 2 December 2025

by **A.Graham BA(hons) MAued IHBC**

an Inspector appointed by the Secretary of State

Decision date: 18 December 2025

Appeal Ref: APP/X1355/D/25/3374911

7 Diamond Terrace, Durham DH1 5SX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Peter Smith against the decision of Durham County Council.
 - The application Ref is DM/25/00643/FPA.
 - The application is for rear and side full height extensions involving demolition of existing garage. Rationalisation of garden involving the construction of a retaining wall and new steps. New Sliding Gate to rear and pedestrian gate to front pathway.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description as used by the Council differs from that used on the appellant's original application form and this is confirmed by the Appellant in Section E of the Appeal form. I consider that the original description better describes the proposal and, as such, I have used this description accordingly.
3. The site is within the setting of the Durham Castle and Cathedral World Heritage Site (WHS), however it is common ground between the parties that the main effect of this proposal would be upon the Durham City Conservation Area and the Council have confirmed that they do not see any conflict with Policy 45 of the CDP nor any harm to the WHS. I concur with this assessment and have proceeded accordingly.
4. This appeal is associated with a cost decision which is subject to a separate decision notice.

Main Issue

5. The main issue is the effect of the proposal upon the character and appearance of the Durham City Conservation Area.

Reasons

6. The appeal property is a red brick end terrace house that dates to around 1897. Diamond Terrace sits along the edge of a steep hillside to the opposite side of Durham Castle and Cathedral World Heritage Site that is situated higher within the peninsula of land above the river valley. The row of houses of which the appeal site is part therefore clings to the hillside near to one of the main highways into the city. However, the immediate context of this site is one of very characteristic open pasture, small scale and spasmodic development of the hillside and quaint cobbled

streets and open spaces that are a tangible reminder of the historic and industrial character of much of the area.

7. The appeal site therefore is related to the end terrace house within this row. Like its neighbours it sits along the steep contours of the hillside and, as a result, the cottage garden of the property slopes steeply in small, informal terraces until one reaches the cobbled street of Sidegate from where a fence, planting and wall demark the boundary. Sidegate is an historic lane that is very characteristic and exudes particular character through its cobbled surface and sense of enclosure with landscape and natural stone walls at either side of the narrow carriageway.
8. Most properties share a right of access along the front of the terrace whereby access is gained down steps towards Sidegate itself. Other gardens contain ancillary structures or sheds that give the area a rather arcadian type character and strong sense of community and shared ownership, largely obtained through a lack of substantial enclosure. I therefore consider that the informal nature of these gardens and the means with which the topography can still be perceived is of some significance to the character of this part of the Durham City Centre Conservation Area (CA).
9. Indeed, the draft appraisal for the Framwellgate Area of the CA¹ identifies Diamond Terrace as contributing in a positive manner. It moreover illustrates in figure 25 of the CA draft appraisal the gardens of Diamond Terrace as being one typology of spaces that has a high aesthetic and recreational value. The draft CA also includes the area within Character Area 4 – Sidegate and Crook Hall and offers a description of the key characteristics of the area.
10. The submission before me includes a two storey rear and side extension which I understand the Council have no objection to. As such I consider that I have no reason to revisit this part of the scheme. The issues that are therefore pertinent to this appeal are focussed around the landscaping works to the front garden area and the provision of a metal sliding gate to the rear lane and driveway.
11. In this respect the garden would be levelled as far as it is possible to do so around the top of the site, adjacent to the footpath than runs directly in front of the house. Because of this levelling it would be necessary to fill the land in order to create a retaining wall further down the garden. This wall would be secured using a gabion type arrangement whereby metal 'cages' would typically be filled with stone and a wall would be formed. The plans were slightly amended to remove a parapet level from this proposed structure which has lowered the height from around 4m shown originally to around 3m in height. However, I consider there would still likely be the requirement for a safety rail to the top of this retaining element which may well heighten the structure more.
12. In order to camouflage the structure the scheme proposes to create a green wall with integrated planting such as there is an example at Durham Bus Station. A proposed pergola would also introduce a structure to the lower level in order to disguise this wall more. A single flight of stairs would allow access to the lowest level.

¹. Durham City Framwellgate Conservation Area Draft Conservation Area Appraisal and Management Plan 2025.

13. In considering whether to grant planning permission I am required by Section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to give 'Special Attention' to the desirability of preserving or enhancing the character or appearance of the Durham City Centre Conservation Area.
14. The statutory duties within the Act are reflected in The Framework, which states that 'Great Weight' should be given to a heritage assets' conservation and also illustrates the positive contribution that heritage assets can make to the creation of sustainable and economically viable communities. The Framework also sets out its approach to heritage assets of the highest significance which include the outstanding universal value associated with world heritage sites. This approach is reflected in the County Durham Plan 2020 where Policy 44 echoes the above Act and The Framework in requiring great weight to be given to heritage assets and their settings.
15. On the face of it this scheme would appear to be a fairly modest intervention into the landscape and from many places it would not be overly visible. However, one of the attractions of this area is concerned with the way buildings have integrated into the topography here, where informal terracing has worked with the sloping ground and where the terrace appears naturalistic and not overly engineered or manipulated.
16. The proposal before me would undertake extensive ground excavation and retaining landscape work which would considerably alter the character of the frontage areas that are identified as being positive within the CA. Although the proposal would be somewhat disguised by the planting of gabions and the proposed pergola, the amount of retaining structure would noticeably alter the character of what are at present informal and attractive traditional garden spaces that are seen both along the line of Diamond Terrace as well as being glimpsed from areas like Sidegate.
17. Although the proposed retaining structure has been lowered, I consider it highly likely that some form of rail or balustrade would be required which would potentially negate such benefits of reducing the height here. Despite this however the amount of works would not easily be capable of being integrated into the extant informality of the area.
18. The rear sliding gate would also introduce a hard, largely alien feature to the rear lane and yards of the terrace, although I consider that this could be conditioned to seek a suitable detailed design that could make this element acceptable.
19. Ultimately however, I consider that this part of the CA is sensitive to such landscape changes as proposed here and that the topographical qualities do require careful management. In this case I consider that the proposed solution is somewhat heavy handed and would require further refinement in order to mitigate its harmful impact.
20. Although I consider this a finely balanced decision therefore, and although I could see a scheme being made to work here that would achieve the Appellant's aspirations, it is not within my gift to open such dialogue regarding what would likely be modest design changes. As such, I must make a determination based upon the evidence before me.

21. Ultimately therefore, I find less than substantial harm to the lower end of the scale would be suffered to the CA through this proposal that would not be outweighed by the private benefits that the occupants would enjoy were this scheme to come to fruition. As a result, I am unconvinced that this proposal would meet the policy requirements of Policy 44 of the County Durham Plan or Policy H2 of the Durham City Neighbourhood Plan and the appeal must ultimately fail in this regard.

Other Matters

22. The Appellant suggests, within their associated costs application that the proposed sliding gate would have been allowable under the Town and Country Planning (General Permitted Development) Order 2015 (GDPO). There is dispute between the parties whether the erection of this structure would meet the requirements within the GDPO. As such, in the absence of any formal certificate explaining otherwise I have treated the proposed gate as part of this application.
23. Were a formal certificate be issued with regards whether the proposed gate would meet the requirements of the GDPO the Appellant could continue with the work for this gate, however, I would expect a condition could address any concerns with regards this feature in any case. As such I can only give this particular matter little weight.

Conclusion

24. The proposal would cause harm to the character and appearance of the Conservation Area and, for the reasons given above, whilst taking into account all other matters raised, I must dismiss this appeal.

A Graham

INSPECTOR