

THE CITY OF DURHAM TRUST

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c/o Blackett, Hart & Pratt, LLP
Aire House
Mandale Business Park
Belmont
Durham, DH1 1TH
23 June 2021

Dear Ms Gold,

Appeal references APP/X1355/W/20/3265947 and APP/X1355/Y/20/3265941

The City of Durham Trust wishes to support the decisions of the Central and East Planning Committee of Durham County Council to refuse these two linked planning applications.

The Trust originally submitted an objection to the applications on 29/07/19 and added further comment, because of new information, on 7/10 /20. It draws attention to its original comments.

It wishes to add further comments in response to the application refusal reasons and appellant's statement of case. These comments also respond to the changed planning context following the approval of both County Durham Plan and Durham City Neighbourhood Plan.

Heritage/Design

- 1.0. The supporting advice note to the original case officer from Durham County Council (DCC) Design and Conservation begins well by identifying the significance of this rear townscape in relation to the World Heritage Site (WHS). However, it then fails to demonstrate an understanding of this in sufficient detail and consequently also fails to correctly identify the negative impact of the proposals. The role that dominance of the WHS over the city plays in its Outstanding Universal Value (OUV) is insufficiently considered.
- 2.0. The rear of properties on Silver Street and Market Place facing the river have a special role to play in forming the townscape setting in views up to the WHS and in relation to approaches along the river. They have been more exposed to view by the creation of the Riverwalk River terrace on the opposite riverbank. These buildings are effectively dual frontage – although often treated as ‘rear’, the river face is of clear significance. This has been reflected in the quality of the extensions to either side of the property – the Lloyds Bank building and Nos 22/23 Market. These are both shown as in the applicant's ownership. They have been treated with substantial care in finish and design, the earlier or original Bank extensions reflects the main building design and Nos. 22/23 adopts a more contemporary approach but steps down the rear slope, positively adding to the townscape. The recent block of flats on the riverside were carefully designed to reflect the traditional townscape/roofscape and complement Fowlers Yard adjacent – a carefully conserved range of original buildings and a visitor attraction.

THE CITY OF DURHAM TRUST

- 3.0. The proposals represent a basic approach to design and creating more student accommodation space (considered unnecessary by the Trust). The extensions are exceptionally large and pushed to the edge of the retaining wall – greatly increasing the bulk in relation to the listed building existing extensions. This not fully revealed in the submitted information. In stretching to the retaining wall to maximise space an exceptionally large roof with a different pitch is created on the lower level. The upper two/three storey extension pushes out over the retaining wall. This increases the rear extensions to a larger footprint than the listed building, creates a large bulky mass facing the river and offers differing pitches to view. The detailing is minimal in design, large expanses of brick are created. They fail to reflect the care in basic design and detailing given to the two adjacent buildings. To maintain WHS visual dominance over the historic city core it is essential to keep the built area from unnecessarily expanding over the rear spaces/terraces to reduce 'bulk'. The proposals edge closer to the river and sit very uncomfortably visually on top of the retaining wall.
- 4.0. The proposals do not comfortably relate to the original listed building and overwhelm the rear elevation, obscuring more of the original. This cannot be considered as positive or an enhancement. The extensions will add a harmful level of additional built mass to the rear, and clearly fail to maintain the current extension's more subordinate relationship to the original building.
- 5.0. The applicant has failed to reveal the relationship of the proposals to the lower site. It is in poor condition following partial demolition of the garage block. Currently the partially demolished garage block is particularly unsightly – it is next to a small theatre and the Fowlers Yard units that are a visitor attraction. The current status of planning approval for the lower land - DM/15/01101/FPA is not mentioned. There is no demonstration of the relationship of that proposal to the appeal proposals. Together they would form an extremely large and intensive development of the site. The Trust considers that this would amplify the failings of the appeal proposals and create an especially negative oversized development in the riverside townscape. If the current appeal were to be successful, there would be very substantial cumulative negative impact to the riverside townscape.
- 6.0. The highest the applicant's analysis can raise the impact of the proposal to is 'neutral'. This is an admission that it fails to reach the Neighbourhood Plan requirement for new proposals to be 'positive'. The proposals reduce the quality of the townscape/roofscape in relation to WHS views and riverside views on approach to the WHS. The proposals' impact is negative and obviously so. They will cause detriment to the significance of the individual heritage asset (the listed building), and will harm the character, appearance or significance of the surrounding conservation area and the setting of the WHS and adjacent assets.

THE CITY OF DURHAM TRUST

- 7.0. It cannot be considered that the proposal would preserve the character and appearance of Durham City Conservation Area, adjacent listed buildings, and World Heritage Site. The proposed extension will by virtue of its design, scale, and location appear as an incongruous feature that would detract from the setting of a listed building and have a significant detrimental impact on the nearby Heritage Assets resulting in harm to a designated heritage asset.
- 8.0. The appeal statement of case covers more of the heritage context than the original minimal submission, but does not fully explore or understand the context or the way the proposals relate to it. It demonstrates a failure to understand significance. It substantially overestimates the quality of the proposal.
- 9.0. ICOMOS, the body advising UNESCO on WHS issues recently raised issues relating to a substantial riverside proposal for a Business School by the University. These included considerable concern about the negative impact of proposals on the 'immediate setting' to the WHS. Although the appeal proposal is smaller, it is also within the WHS immediate setting and will have a cumulative negative impact on the WHS in combination with other developments. The WHS Coordinator's objection to the appeal proposals should also be noted.

10.0. Policies

The proposals fail against County Durham Plan Policies as follows:

Policy 44 Historic Environment, Does not demonstrate understanding of the significance and character of the Conservation area and does not respect the positive characteristics of the area.

Policy 45 Durham Castle and Cathedral World Heritage Site, Is not based on an understanding of the WHS OUV and does not pay regard to the WHS management Plan by not identifying the inner setting and having a negative impact upon it.

The proposals fail against the Durham City Neighbourhood Plan Policies as follows:

Policy H1: Protection and Enhancement of the World Heritage Site,

- b) Fails to propose high quality design which contributes to the quality and significance of the World Heritage Site; and
- d) Does not seek balance in terms of scale, density, massing, form, layout, landscaping, and open spaces.

Policy H2: The Conservation Areas - Durham City Conservation Area

- a) Fails to sustain and enhance the historic and architectural qualities of buildings,
- b) Fails to sustain and maintain roofscape
- g) Fails to protect important view within the Durham City Conservation Area
- i) Fails to have appropriate scale and mass

THE CITY OF DURHAM TRUST

- k) Does not use high quality design sympathetic to the character and context of the local area and its significance and distinctiveness, and to the immediate landscape
- l) Adds to cumulative impact of development schemes through domination and mass.

Use and Public Benefit

11.0. The Trust sees no benefit from the extension in relation to increasing student accommodation. This is not required and has no public benefit. Upper floors of nearby premises are also being converted to student use. The minimal retail floor expansion has minimal value given the number of current surplus retail units. The increase does not offer any greater retail letting potential to avoid vacancy. Major retail floors nearby are also proposed for removal for student accommodation demonstrating the City centre's lack of retail appeal. The minimal increase in the level of retail space and more student occupancy will not have a benefit in terms of adding to the vitality and viability of the city centre. The Trust supports the Council's assertion in the refusal letter that the proposal has no public benefit that outweighs their harm.

12.0. The Trust supports the Council's reasons for refusal (1 in refusal letter). It considers that this additional C4 Unit fails on grounds of community balance and will have a further detrimental impact on the nearby residential flats.

Yours sincerely,

John Lowe
Chair, City of Durham Trust.