

THE CITY OF DURHAM TRUST

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c/o Blackett, Hart & Pratt, LLP
Aire House
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Belmont
Durham, DH1 1TH
13 July 2021

DM/21/02228/LB: 12 Silver Street, Durham DH1 3RB

Dear Ms Morina,

The City of Durham Trust objects to this application in its current form, but hopes that the applicants can address the issues we raise and produce an acceptable scheme. There is an associated planning application DM/21/02227/FPA which deals with more general matters and is the subject of a separate letter. This letter addresses the status of this property as a listed building.

We appreciate that there is an earlier planning permission for this property, but that was granted under planning policies which have now been superseded and it cannot be a precedent. The recently adopted County Durham Plan and City of Durham Neighbourhood Plan have enhanced policies protecting the World Heritage Site, listed buildings and the conservation area.

The Heritage Statement is essentially the same text as that for the related planning application and does not refer in any detail to the reason that this is a Grade II listed building, one that is three hundred years old. The details of the listing are readily available on the internet:

Details

DURHAM AND FRAMWELLGATE

NZ 2742 SW 14/414

SILVER STREET (East side) No. 12

GV II

House, now house and shop. Early/mid C18 with alterations. Flemish bond brick; Welsh slate roof. 4 storeys, one window and one in left return. Ground floor altered; upper floors have sash windows, most with glazing bars, under header-course lintels. Hipped roof.

Narrow left return has similar windows.

Interior: second-floor front room has lugged chimney piece; 6-panel doors on this floor: 2-panel doors with L hinges on top floor.

Listing NGR: NZ2731642440

Legacy

The contents of this record have been generated from a legacy data system.

Legacy System number: 110469

Legacy System: LBS

Legal

This building is listed under the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended for its special architectural or historic interest.

End of official listing

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The application gives no description of how the features that led to the listing of this building will be preserved. For example, the doors are simply described as “timber”. Given that extensive internal alterations are proposed, there is a risk that without proper instructions the builders will simply rip out the doors and fittings and start anew. Clearly the windows must be retained in their original form, and if repairs are necessary this must be done in wood to replicate the damaged material. The doors and chimney piece noted in the listing must be retained and if necessary repaired.

There are mandatory Fire Safety Precautions for HMOs¹ and these include fire doors, and walls and ceilings, all able to withstand fire for 30 minutes. We are concerned lest meeting these requirements damages the historic fabric of the building, which is protected by its listed building status.

There is simply not enough information to meet the requirements of Policy 44 of the County Durham Plan, the relevant parts of which state:

Development will be expected to sustain the significance of designated and non-designated heritage assets, including any contribution made by their setting. Development proposals should contribute positively to the built and historic environment and should seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets whilst improving access where appropriate.

Designated Assets

Great weight will be given to the conservation of all designated assets and their settings [...]. Such assets should be conserved in a manner appropriate to their significance, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Substantial harm or total loss to the significance of a designated heritage asset will be permitted only in exceptional circumstances. [...]

Development which leads to substantial harm to, or total loss of, the significance of a designated heritage asset will only be acceptable where it can be demonstrated that it is necessary to achieve substantial public benefits that outweigh that harm or loss, or where all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site;
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation;
- conservation by grant-funding or some form of not for profit, charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use.

In determining applications, particular regard will be given to the following:

[...]

¹ <http://durham.gov.uk/media/3189/Fire-safety-precautions-for-Houses-in-Multiple-Occupation/pdf/FireSafetyPrecautionsForHousesinMultipleOccupation.pdf?m=636735631950570000>

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Listed Buildings

- b. respect for the historic form, setting, fabric, materials, detailing, and, any other aspects including curtilage, which contribute to the significance of the building or structure; and
- c. the retention of the character and special interest of buildings when considering alternative viable uses.

[...]

The Heritage Statement needs to be revised to address these requirements and our concerns, so that the historic assets of this three-hundred-year old building are preserved and enhanced. If this can be done, we will review the objections we have raised.

Yours sincerely,

John Lowe
Chair, City of Durham Trust