

THE CITY OF DURHAM TRUST

c/o Blackett, Hart & Pratt, LLP
Aire House
Mandale Business Park
Belmont
Durham, DH1 1TH
9th November 2022

Web site: <http://www.DurhamCity.org>

Dear Ms Scott,

DM/22/02991/FPA Bow Cottage Bow Lane Durham DH1 3ER Replacement and extension of external decking with associated fencing including new gate (part retrospective)

The City of Durham Trust submits the following objection to this application based on its negative impact on the setting to the Riverbanks Gardens, the Conservation Area and lack of information/potential damage to Castle Wall remains.

Context and Proposals

Although the Riverbanks Gardens and Castle Walls in this location are not yet part of the World Heritage Site (WHS), they are essential assets to the WHS extension area currently under continuing consideration by UNESCO. It was unclear from the intensive Castle Walls survey in 2011 how much of the rear of Bow Cottage and its extension sat over the foundations of the Castle Wall and Kingsgate Postern. Evidence from the occupant indicated extensive substantial foundations possibly close to the site of the decking. The extent of the Riverbanks Gardens is clear and involves the rear of the Cottage, it is less clear what structures and terrace/path formations remain – there has been no comprehensive ground survey. There is also the nearby 17thC Grade II listed wall that relates to the Postern walling, much of which has been toppled and lies in the Gardens area below the Cottage. It is also on the approach and in the setting to the Grade 1 Listed Kingsgate Bridge.

This location is especially sensitive containing listed and unlisted heritage assets and unsurveyed archaeological remains. It is particularly concerning that the submission offers minimal recognition of these or a clear survey/location of extant remains. This is exacerbated by the construction of the decking with no indication of any remains encountered and the risk of damage exists.

The decking is of a very basic type commonly available. In terms of design, it is completely inappropriate for such a location both as constructed and with the proposed additions. The extent of undercroft and covering is particularly intrusive. It should preferably be removed entirely. Any new additional fencing should be removed. The applicant's submitted photographs show how inappropriate the new fence is. Bin screening, if no other internal solution is possible, should be carefully coordinated with the Cottage and setting and not a basic timber boarded fence with the posts facing Bow Lane/Kingsgate Bridge.

The applicant's submission fails to convince that there will be no harm to the WHS and heritage assets. The Trust believes it has demonstrated that there is. In the County Durham Plan Policy 45 supporting text (Para. 5.63) it is stated that '**any harm**' should be wholly exceptional. It also states that less than substantial harm (that this proposal causes) should be weighed against

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public benefit. There is obviously no public benefit from the proposal and it is all for the private benefit of the occupants renting the property.

It should be noted that the County Council in supporting the WHS extension submission needs to share in the protection of the area it covers and clearly demonstrate that it is doing so.

Planning Policies

As submitted, the decking proposal fails against the following:

County Durham Plan

Policy 29 Sustainable Design

The proposals fail to contribute positively and reinforce local distinctiveness as required by this policy.

All development proposals will be required to achieve well designed buildings and places..., and:

- a. contribute positively to an area's character, identity, heritage significance, townscape and, helping to create and reinforce locally distinctive and sustainable communities.*

Policy 44 Historic Environment

The proposals fail to 'sustain significance':

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.

Conservation Areas

The proposals and submission do not demonstrate understanding or respond to the Conservation Area Appraisal or reinforce positive characteristics of the area.

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

- f. the demonstration of understanding of the significance, character, appearance and setting of the conservation area and how this has informed proposals to achieve high quality sustainable development, which is respectful of historic interest, local distinctiveness and the conservation or enhancement of the asset;*
- g. the manner in which the proposal responds positively to the findings and recommendations of conservation area character appraisals and management proposals;*
- h. respect for, and reinforcement of, the established, positive characteristics of the area in terms of appropriate design (including pattern, layout, density, massing, features, height, form, materials, and detailing).*

Policy 45 Durham Castle and Cathedral World Heritage Site

The proposals negatively affect the WHS setting, and this constitutes 'harm' that is not outweighed by the benefit of the proposals.

The Durham Castle and Cathedral World Heritage Site is a designated asset of the highest significance. Development within or affecting the World Heritage Site and its setting will be required to:

- a. sustain and enhance the significance of the designated asset;*
- b. be based on an understanding of the Outstanding Universal Value of the site, having*

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regard to the adopted World Heritage Site Management Plan and Statement of Outstanding Universal Value; and

c. protect and enhance the Outstanding Universal Value, the immediate and wider setting, and important views across, out of, and into the site.

Development that would result in harm to the Outstanding Universal Value of the World Heritage Site or its setting will not be permitted other than in wholly exceptional circumstances.

Durham City Neighbourhood Plan

Policy S1: Sustainable Development Requirements of all Development and Redevelopment Sites Including all New Building, Renovations and Extensions

The proposals do not demonstrate the following required principles:

All development proposals should, where relevant and appropriate, demonstrate the following principles.

Conservation, preservation, and enhancement of Our Neighbourhood by:

- c) Harmonising with its context in terms of scale, massing, height;*
- d) Conserving the significance of the setting, character, local distinctiveness, important views, and the contribution made to the sense of place by Our Neighbourhood's designated and non-designated heritage assets.*

Policy H1: Protection and Enhancement of the World Heritage Site

The proposals do not support the WHS Management Plan, are not fully assessed, and do not conserve the WHS setting.

Development proposals throughout Our Neighbourhood should be shown to sustain, conserve and enhance the setting of the World Heritage Site where appropriate by:

- e) carrying out an assessment of how the development will affect the setting of the World Heritage Site, including views to and from the World Heritage Site.*

The Trust therefore objects to this application based on its failures against the County Durham Plan and Neighbourhood Plan policies as discussed above.

Yours sincerely,

John Lowe,
Chair, City of Durham Trust