

# THE CITY OF DURHAM TRUST

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2 September 2024

Clare Walton  
Planning, PO Box 274,  
Durham County Council,  
Stanley,  
County Durham,  
DH8 1HG

Dear Ms Walton,

**DM/24/02078/FPA 20 Silver Street Durham DH1 3RB**

*Extend existing external seating terrace and new external raised timber deck adjacent to riverbank*

The Trust objects to this proposal based on inappropriate design. The proposals will have an adverse impact on the Conservation Area, a key approach to the riverside and the World Heritage Site (WHS).

The context for this proposal is important and very sensitive to change. This section is on view from the Framwellgate Bridge, a scheduled monument, of significance in relation to the World Heritage Site (WHS) and a well known viewing point of the river and WHS. The seating area is adjacent to the vennel that is both a principal access to the riverside path and Windy Gap, a historic access into the WHS. It is part of the immediate setting to the WHS on a key approach. It should be noted that the site was included in the previously proposed expansion area of the WHS as ratified in the County Durham Plan and City of Durham Neighbourhood Plan.

There is an existing outside seating area but significantly smaller than that proposed. The photographs submitted with the Design and Access Statement show the existing seating area with parasols and patio heaters. The edge and wall of the seating area appear to be in poor condition and require maintenance or upgrading. The area has suffered from periodic neglect. The Vennel and adjacent buildings have experienced poor development and lack of upgrading and maintenance. The host building for this proposal does not contribute positively to its important context. The lower conservatory extension linked to the seating area is marred by inappropriately oversized signage lettering. The externally mounted air conditioning equipment is also a detracting factor. Immediately south of the proposed seating area are the foundations of the demolished fisherman's shelter. The application shows evidence of use of the area outside of the ownership for A board advertising. Northumberland Water (NWL) pipe to the front of the terrace area and building is also a detractor, although scope previously existed to establish a walkway over it.

The site does benefit from the mostly self sown trees that have branches to a lower level and that contribute to the current green cloaking of the riverbanks forming the immediate setting of the WHS. There is Himalayan Balsam on the site, but it is enhanced by a developing

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understorey. The bank itself and understory are the same as much of this section of the river. Improvement is possible by management; planting would need to contend with flooding.

The principal value of the site is in its tree cover. There is a marked change in character at Framwellgate Bridge. Although there are buildings both sides of the river immediately adjacent to the upstream side of the bridge, the banks surrounding the Peninsula are predominantly landscape with occasional buildings. This creates the current setting to the WHS from various key viewpoints. It is essential to retain this and why the Trust considers the impact of these proposals needs full consideration and the reason for this response.

The riverbank areas up to and beside the Framwellgate and Elvet Bridges and Elvet Bridge itself have been subject to considerable leisure use or development for terraces and seating. This was prevalent before but is a growing trend since the relaxation of requirements during the pandemic related lockdowns. There is currently an application immediately next to this site at 19A Silver Street for an intrusive glazed canopy. Further downstream at Freemans Reach, the raised wooden deck (similar to these proposals) was approved despite its poor construction, marring of the café that is part of the high quality office complex, and partial blockage of the walkway originally intended as a public benefit resulting from the development. There is good reason to be very concerned about this proposal. It is a separate issue, but it is very disturbing to see the references to the introduction of railings to secure the NWL pipe and deter anti social behaviour.

The proposal is to oversail the retaining wall creating a raised deck and fronted with timber slats and planters. It is a relatively temporary type of construction, an elaboration of garden decking needing regular maintenance. The site is prone to flooding, leaving debris or having even worse consequences on the structure. These are factors when changes in rental/leasing of the host building occur, as has been the case here. The air conditioning plant is boxed in, and no maintenance access is shown. The front elevation is sufficiently high to be very visible from Framwellgate Bridge and the walkway on the other side of the river. The likely use of parasols and heaters will make the deck even more prominent. Lighting is not mentioned but often follows on from this type of use and would be especially concerning given the dark nighttime river banks that provide the setting for the Cathedral and Castle lighting. The extension of the seating area to be more prominent is not acceptable in relation to impact. The deck is of low design quality, its extent and height will make it visually intrusive. It is inappropriate given the character of this area and its proximity and potential inclusion in the WHS.

The proposal therefore is inappropriate in this location. It will impact negatively on the path approach, views from the Framwellgate Bridge and therefore the Conservation Area and the immediate setting of the WHS. There is minimal public benefit given the number of leisure premises with outside seating and the large Riverwalk terrace nearby. The area upstream of Framwellgate Bridge needs to be protected against intrusive development. The Trust therefore objects to this proposal. The planning policies that the Trust considers the proposals fail against are listed in the appendix.

Yours sincerely,

John Lowe  
Chair, City of Durham Trust

## Appendix - Policies

The Trust considers that the proposals fail against the following planning policies:

### County Durham Plan

#### Policy 29 Sustainable Design

- a. The proposals fail to contribute positively to an area's heritage significance and townscape.

#### Policy 44 Historic Environment

##### Conservation Areas

- f. The proposals fail to demonstrate 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 heritage assets.
- h. The proposal fails to show respect for, and reinforcement of, the established, positive characteristics of the area in terms of appropriate design (including, features, materials, and detailing).

#### Policy 45 Durham Castle and Cathedral World Heritage Site

The Durham Castle and Cathedral World Heritage Site is a designated asset of the highest significance. This development affects the World Heritage Site and its setting and fails to:

- c. Protect and enhance the immediate setting (and an important access into the site).

### Durham City Neighbourhood Plan

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

The proposal fails because it does not:

- d) Conserve the significance of the setting, character, local distinctiveness, 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 development proposals within the Durham Cathedral and Castle World Heritage Site should sustain, conserve, and enhance its Outstanding Universal Value and support the current adopted management plan.

The development proposal is within the Parish area and fails to sustain, conserve and enhance the setting of the World Heritage Site:

- e) There was inadequate assessment of how the development will affect the setting of the World Heritage Site, including views to the World Heritage Site; and
- f) The proposals fail to protect an important view.

#### Policy H2: The Conservation Areas, Durham City Conservation Area

The development proposals negatively affect the Durham City Conservation Area by not taking into account, and meeting, the following requirements:

- g) protecting important views of the Durham City Conservation Area from viewpoints within the Conservation Area; and
- j) Having detailing appropriate to context, and setting; and
- k) Using high quality design sympathetic to the character and context of the local area and its significance and distinctiveness.

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## **Policy G1: Protecting and Enhancing Green and Blue Infrastructure**

### **Protecting green and blue assets**

#### **Protecting and enhancing public rights of way and other footpaths**

The proposals fail to have regard to the local distinctiveness, character, quality and biodiversity of public rights of way.

#### **Protecting and enhancing green corridors**

The development proposals fail to improve an existing green corridors.

#### **Enhancing biodiversity**

The development proposals fail to provide a net gain for biodiversity.

#### **Protecting and enhancing the banks of the River Wear**

The development proposals fail to retain the green and dark corridor and should not be supported.

#### **Protecting dark corridors**

The development proposals do not demonstrate incorporation of new lighting designed to minimise any ecological impact and avoid significant harm to existing dark corridors.