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## Appeal Decisions

Site visit made on 16 August 2011

by **Richard McCoy BSc, MSc, DipTP, MRTPI, IHBC**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 21 September 2011

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### Appeal A Ref: APP/N1350/E/11/2149423

#### Lime Cells, Hoptown Lane, Darlington, County Durham DL3 6PH

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Michael Godwin against the decision of Darlington Borough Council.
  - The application Ref 10/00724/LBC, dated 14 September 2010, was refused by notice dated 20 January 2011.
  - The works proposed are alterations including the erection of a front façade, insertion of a disabled entrance and fire exit doors, replacement doors to garage, staircase to 1st floor, formation of a meeting area on the 1<sup>st</sup> floor, toilets and kitchen facilities.
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### Appeal B Ref: APP/N1350/A/11/2148191

#### Lime Cells, Hoptown Lane, Darlington, County Durham DL3 6PH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Michael Godwin against the decision of Darlington Borough Council.
  - The application Ref 10/00716/FUL, dated 14 September 2010, was refused by notice dated 20 January 2011.
  - The development proposed is the change of use from General Industrial (B2) to young people's activity base (D2) incorporating the erection of a front facade.
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#### Preliminary matter

1. I have used the Council's description of works and development in the bullet points above as they succinctly describe the proposal.

#### Decision

2. I dismiss the appeals.

#### Main Issues

3. The main issues are a) the effect of the works on the special architectural and historic interest of the Grade II listed building, b) whether the development would preserve or enhance the character or appearance of the conservation area, and c) whether the proposal would accord with local policy regarding the use of former railway buildings.

#### Reasons

4. The Lime Cells is a Grade II listed building that is situated within the Northgate Conservation Area, adjacent to the Darlington Railway Centre and Museum. As former lime storage building and latterly a welding workshop, the building

retains its industrial, utilitarian character and appearance, including its cellular ground floor plan. This very much defines its special architectural and historic interest. The Council is concerned that the proposal would harm the listed building's special interest but neither the reasons for refusal nor the officer report explain why. I note the comments of the Council's Conservation Officer in her memorandum dated 20 December 2010 which states that the contemporary design of the alterations to the front elevation were acceptable. From my assessment I can find no reason to disagree.

5. However, the proposed treatment of the historic brickwork on the south gable and the introduction of modern methods and materials to the interior did give her cause for concern. In my judgement, the proposal would retain the historic plan form of the building by keeping the cellular ground floor division, including the intact separate cell to be used as a store. Changes such as the insertion of the staircase, toilet and 1<sup>st</sup> floor office would not overwhelm the building to the point where its industrial origins would be confused or obscured.
6. Nevertheless, I agree that the proposed works to the south gable arch would obscure the important historic brick fabric which forms a strong element of the industrial heritage of the listed building, detracting from its special architectural and historic interest. Accordingly, the proposal would cause substantial harm to a heritage asset, contrary to the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990 and Policy HE9 of Planning Policy Statement 5; *Planning for the Historic Environment*, as echoed in the policies of the development plan.
7. In addition, given the prominent position of the appeal site and the harm the proposal would cause to the special architectural and historic interest of a listed building which forms an intrinsic element of the character and appearance of the conservation area, it would also fail to preserve or enhance the character or appearance of the conservation area as a whole, contrary to Policy CS14 of the adopted Darlington Local Development Framework Core Strategy (CS) and Policy HE7 of PPS5.
8. The Council was also concerned that the proposal would offend saved Policy T08 of the Borough of Darlington Local Plan, adopted November 1997 as it would not be put to a use connected with the railway museum. However, CS Policy CS6 supersedes this policy and does not perpetuate its wording. In any event, T08 is a permissive policy that does not preclude other uses or require evidence to show that alternative uses have been considered. Rather it seeks to continue to develop land and buildings at North Road Station (of which the appeal site did not appear to form part) for the Darlington Railway Centre and Museum, and other related uses. Accordingly, I can find no conflict with this policy. Nevertheless, this consideration would not outweigh the harm to the listed building and the conservation area.
9. In reaching my decision I have noted the draft National Planning Policy Framework but given it is an early draft, it is not a material consideration that warrants the setting aside of the existing policies. For the reasons given above, I conclude that the appeals should be dismissed.

*Richard McCoy*

INSPECTOR