



Appeal Decisions

Site visit made on 5 February 2013

by Mrs Zoë Hill BA(Hons) MRTPI DipBldgCons(RICS) IHBC

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

Decision date: 25 February 2013

Appeal A Ref: APP/N1350/E/12/2182675

The Mechanics Institute, 82 Skinnergate, Darlington, County Durham

DL3 7LX

- 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 Mr Alistair Powell against the decision of Darlington Borough Council.
 - The application Ref: 11/00680/LBC, dated 12 October 2011, was refused by notice dated 31 May 2012.
 - The works proposed are described as to refurbish existing ground and first floor premises including new structural openings. Form separate entrance to first floor night club, create new toilet facilities, new kitchen and back of house storage areas. Make alteration to Skinnergate façade including new steps and raised patio, also form first floor drinking patio and smoking solution to rear elevation.
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Appeal B Ref: APP/N1350/A/12/2182671

The Mechanics Institute, 82 Skinnergate, Darlington, County Durham

DL3 7LX

- 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 Mr Alistair Powell against the decision of Darlington Borough Council.
 - The application Ref: 11/00679/FUL, dated 12 October 2011, was refused by notice dated 31 May 2012.
 - The development proposed is described as to refurbish existing ground and first floor premises including new structural openings. Form separate entrance to first floor night club, create new toilet facilities, new kitchen and back of house storage areas. Make alteration to Skinnergate façade including new steps and raised patio, also form first floor drinking patio and smoking solution to rear elevation.
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Preliminary Matters

1. Revised plans were submitted during the processing of the applications. In particular the scheme was amended to show the retention of the front access ramp. As the Council determined the appeal on the basis of those revised plans so shall I.
2. Planning permission and listed building consent¹ have recently been granted by the Council for internal alterations to facilitate the change of use of the building from a public house to a public house with a night club above, erection of rear yard infill to create a two storey link extension, first floor rear extension to create an outdoor smoking area, new fire exit door onto Mechanics Yard, new

¹ 12/00475/FUL and 12/00476/LBC

night club entrance onto Skinnergate, and alterations to Skinnergate façade including new steps, raised patio, wrought iron railings and disabled ramp.

Decisions

3. The appeals are both dismissed.

Main Issues

4. The main issues in the case of both appeals include whether the proposed works/development would preserve The Mechanics Institute, a grade II listed building, or its setting or any features of special architectural or historic interest which it possesses and; whether or not the proposed works/development would preserve or enhance the Darlington Conservation Area.
5. In the case of Appeal B there are additional main issues. These are the effect of the proposed development on highway safety and the effect of the proposed development on public disorder having particular regard to surveillance.

Reasons

Listed Building

6. The Mechanics Institute is an imposing building. It has a heavily classical façade which has been added to an earlier building. It is two storeys in height and 5 bays wide, the central 3 bay section projects forward slightly with giant pilasters carrying the entablature. The central door has a projecting porch. The windows are 6 pane sashes at first floor with the central 3 having stone capitals and plinths. At ground floor similar 6 pane windows with pediments are to either side of the doorway, with outer tripartite windows. The left return is in a pink brick, of 3 storeys with 4 windows, some of which are blank. The rear elevation, as far as can be seen, has 3 giant elliptical arched recesses which have windows inserted within them. The special architectural and historic interest of the building, and its significance, is derived from its phases of development and architectural detailing.
7. The proposed rear extension would infill between two brick buildings. It would be three storeys high and the main visible elevation would be finished in stone tiles and metal cladding. Whilst modern materials can sit comfortably with historic buildings, no reference in the existing building is given to the black stone tiles to be used on the lower part of the extension facing Mechanics Yard. This section also appears of awkward height in relation to the fenestration, features and proportions of the listed building. Above the black stone tiles there would be brass finish metal cladding, which is illustrated as being in relatively small panels that have no particular relationship to the size or scale of other aspects of the elevation. Thus, whilst modern materials might be acceptable here, I find that this scheme does not clearly take reference from or relate well to the host building.
8. Moreover, the design of the proposed extension would cut across the 3 giant elliptical arches. Those arches are a significant feature of the rear elevation and this poor juxtaposition of new and old fabric would be detrimental to a key remaining feature of the rear of this listed building. I acknowledge that officers of the Council recommended approval for the listed building consent. English Heritage did not object to the proposal but nor did it offer support, rather it

advised that decisions should be undertaken in accordance with national and local policies with reference to the Council's expert conservation advice. The Conservation Officer expressed concern about certain aspects of the proposed design some of which were altered and the Council clearly had concerns at determination stage; I share those concerns.

9. Having in mind the advice of the National Planning Policy Framework (the Framework), and bearing in mind the harm identified would amount to less than substantial harm, it is necessary to consider whether the benefits of the proposed development would outweigh the harm. In this case I appreciate that the existing building is in a poor state of repair such that it has been included on the Council's Buildings at Risk Register. The economic use and repair of such a building is in the public interest. However, there is nothing before me to indicate that the proposed scheme is the only one likely to result in the repair and reuse of the building. Indeed the recently approved listed building consent and planning permission demonstrate a more sympathetic approach to extending the building². Therefore, based on what is before me, I consider that there is the likelihood of more acceptable solutions for the alteration of the building than those before me and I am not satisfied that the public benefits of this particular scheme outweigh the harm identified.
10. On this matter I conclude that the scheme fails to preserve The Mechanics Institute, a grade II listed building, and features of special architectural or historic interest which it possesses. As such, the works/development fail to accord with Policy CS14 of the Local Development Framework Core Strategy 2011 (Core Strategy) which, amongst other things, seeks to protect, enhance and promote the quality and integrity of Darlington's distinctive designated national built heritage and those on the buildings at risk register.

Conservation Area

11. The appeal site is within the Darlington Conservation Area which is characterised by mainly historic properties situated close to the highway, with some significant open spaces. The buildings are of high quality and vary from quite modest units to imposing buildings. Many buildings are brick, with some painted finishes, with a mixture of clay tiles and slate on the roofs.
12. The proposed rear extension would be seen in public views from Mechanics Yard which is part of a pedestrian through route. I have already explained why the proposed extension would be harmful to the listed building which, itself, is a significant building within the Conservation Area. The proposed rear extension would be poorly related to its surroundings because of its design and materials. Thus, I conclude that the proposed development/works would fail to preserve or enhance the character and the appearance of this part of the Conservation Area. For the same reasons as set out in respect of the listed building, I find that the less than substantial harm would not be outweighed by the public benefits. In this respect the rear extension would fail to accord with Core Strategy Policy CS14 which also seeks to protect and enhance buildings in conservation areas.

² The approved listed building consent 12/00476/LBC also allows internal works to the building similar to those proposed in this case. As such, and bearing in mind my conclusions in respect of the proposed extension, I have not sought to address that matter further.

Highway Safety and Customer Access (Appeal B)

13. Although people already use this building, it being a public house, the proposed development would result in customers of the proposed night club using an access at the side of the building. That access is taken directly from a road to a small car parking and servicing area. There are highway restrictions in this area, the access is narrow, and car drivers using it would be likely to be travelling at slow speeds. Moreover, usage of this access has been shown to be at its greatest between 15:00 and 21:00, so not as late at night as the likely nightclub busy periods. Nonetheless, those accessing and leaving the proposed club are likely to have greater focus upon the social aspects of their visit, rather than vehicular activity. Moreover, caution may well be reduced for those who have been consuming alcohol which is a realistic likelihood for this type of proposed use. As a consequence the side access proposed, with no scope for safety railings or a refuge and with limited visibility, would increase the likelihood of vehicular and pedestrian conflict to the detriment of highway safety. I note this matter has also resulted in objections from the Durham Constabulary Traffic Management Officer and their Architectural Liaison Officer.
14. Whilst the nightclub might employ security staff to control people this is not a matter which could be controlled by planning conditions.
15. The appellant suggests other similar situations exist elsewhere in Darlington but greater detail is not provided. Furthermore, one unacceptable situation does not justify another.
16. On this matter I conclude that the harm to highway safety would be contrary to the provisions of Core Strategy Policy CS2.

Public Disorder (Appeal B)

17. The Council's second reason for refusal is based on surveillance difficulties within Mechanics Yard. However, there is no substantiated evidence before me that there is a strong likelihood that anti-social behaviour would arise here because of the proposed development. The appellant explains that the proposed entrance point could be monitored by nightclub staff but, as explained above, this could not be the subject of a planning condition; it would be difficult to enforce such a requirement. Whilst surveillance cameras might act as a deterrent it would also be difficult to enforce the effectiveness of reliance on CCTV. However, the Licensing Laws are designed to deal with such matters. In this case, given that there is little substantiated evidence of crime and disorder in this location, I consider that a more appropriate way to deal with these concerns would be through the licensing regime. I therefore do not consider this to be a determinative matter which weighs against the proposed scheme. I conclude that the scheme would not result in conflict with Core Strategy Policy CS2 in terms of creating a safe environment in this regard.

Conclusions

18. Whilst I consider that the public order concerns could be dealt with through the licensing regime, I have found harm in terms of highway safety and to the listed building and the Conservation Area. I therefore conclude that both appeals should fail.

Zoë Hill Inspector