



Appeal Decision

Site visit made on 23 March 2021 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 May 2021

Appeal Ref: APP/N1350/W/20/3264185

Clayton's Yard, Tannery Yard, Darlington DL1 1SH

- 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 Yousif Ameen-Ali against the decision of Darlington Borough Council.
 - The application Ref 20/00298/FUL, dated 20 April 2020, was refused by notice dated 26 October 2020.
 - The development proposed is roof repairs and facade remediation including blocking up existing openings at low level, installation of secure roller shutter doors and removal of damaged roof structure.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The appeal site is located within the Parkgate Conservation Area (the 'CA'). The main issue is the effect the proposal would have on the character and appearance of the building and whether the proposal would preserve or enhance the character or appearance of the CA.

Reasons for the Recommendation

4. The appeal property is a linear group of 19th century buildings located in a secluded yard behind buildings on Borough Road and car parks on Brunswick Street. It can be accessed via Tannery Yard off B6280 Parkgate or via a doorway and access between nos. 15 and 17 Borough Road. The building is constructed with red brick with wooden windows and doors, and pantile roof. Much of the roof has lost its original material and is covered by corrugated metal roofing, and window openings at the upper floor have been infilled with concrete blocks.
5. This group of buildings known as the Tannery buildings is referenced in the Parkgate Conservation Area Character Appraisal (2015), and is a historic preserve of industrial tanning activities in the area. The form and appearance

of the building retains evidence of its industrial past, including the position and scale of the door and window openings, the irregularity of which adds to the character of the building. The retained cobble stones in the yard and the alignment of the structure clearly indicate the historic street pattern.

Consequently, although the building appears to be in poor repair, it retains a large amount of historic character and contributes significantly to the historic character of the CA.

6. The introduction of 5 openings with roller shutter doors and 2 personnel access doorways and the blocking up of the remaining openings would alter the façade of the building and introduce a modern element to its character which would pay little regard to the historical context. As noted, the existing openings vary in size and position, with traditional loading bay doors on the upper floors and various openings at random intervals adding to the historic character of the building. In contrast the five, regularly spaced, double height, doors would be uncharacteristically large and uniform.
7. This change would be noticeable from the car park at the corner of Brunswick Street and St Cuthberts Way, and even via the entrance on Borough Road. The increased dimension of the openings as well as the insertion of large roller shutters would be entirely out of character with the property and would detract from the historic interest and introduce an overtly modern feature. Accordingly, the scheme would not be sympathetic to or reflect the built and historic characteristic of the building which positively contributes to the character of the CA. It would be visually harmful to the visual appearance and character of the building and would cause harm to the character of the CA.
8. The appellant has referred to the Darlington Hippodrome (formerly the Civic Theatre) which is a Grade II listed building and contend that similar changes to that proposed at the appeal property have been carried out at the Hippodrome. My observation is that the rehabilitation of this building has still managed to reference the earlier building in materials and in choice of window shape on the main façade. The Parkgate Conservation Area Character Appraisal also states that this building though listed is of less architectural and historic interest¹.
9. Paragraph 193 of the National Planning Policy Framework (the Framework) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. Framework paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
10. The harm would be less than substantial, on account of the fact that the proposal would only affect part of the character of the CA and would not alter the built form or the townscape. Nevertheless, taking account of the statutory duty to have special regard to enhancing or preserving the character and appearance of a Conservation Area, importance and weight must be attached to the harm identified.

¹ See page 25

11. The public benefit that could be derived from use of the currently neglected property would not outweigh the harm that would be caused by the proposal. There is no evidence to show that the property cannot be put to the same use by using materials which reflect the character of the property and retaining the existing openings which reflect the history of the building.
12. Taking all the above points together, I find that the proposal would be visually harmful to the character and appearance of the appeal property and would not preserve the character or appearance of the CA. Accordingly, it would conflict with the aims and objectives to the National Planning Policy Framework and Policies CS2 and CS14 of the Darlington Local Development Framework Core Strategy (2011) which seek amongst other things to ensure that proposed development reflects the built and historic characteristics that positively contribute to the character of the local area and its sense of place and protects and enhances buildings and features that reflect Darlington's industrial heritage which contribute to the local character and distinctiveness.

Conclusion and Recommendation

13. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

Chris Preston

INSPECTOR