
Appeal Decision

Site visit made on 21 July 2026

by **N Armstrong BA (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13th August 2026

Appeal Ref: 6004833

Pavement outside 5 Tubwell Row, Darlington DL1 1NU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Nathan Still of In Focus Network Limited against the decision of Darlington Borough Council.
 - The application Ref is 25/00450/FUL.
 - The development proposed is the installation of a modern, multifunction hub unit featuring an integral advertisement display and defibrillator.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application form refers to the submission of applications for both planning permission and consent to display an advertisement. The Council's Officer Report also makes reference to a separate application seeking advertisement consent. The appeal before me relates only to a refusal to grant planning permission and I have determined the appeal accordingly.
3. The statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. In addition, Section 66(1) of the Act requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard shall be had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
4. In addition to this appeal, I am dealing with other appeals¹ for similar proposals within the same town centre. There are similarities in terms of the supporting information submitted with the planning application that also relates to those other sites, as well as the appeal submissions and main issues. However, I have dealt with the appeals separately and they are the subject of separate decisions.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the area, including the Darlington Town Centre Conservation Area (the CA).

¹ Appeal refs: 6004835 - Pavement outside 38 Northgate, 6004837 – Pavement outside 41-45 Northgate, 6004840 – Pavement outside 4 Northgate and 6004841 – Pavement outside Santander, Bondgate

Reasons

6. The appeal site comprises a section of pavement within the CA, in a prominent position close to the junction of Tubwell Row, Prebend Row and West Row. The surrounding area is predominantly characterised by commercial uses, and the site is situated to the front of ground floor commercial frontages. Tubwell Row is a busy street with pedestrian and vehicular activity given the commercial uses close to the site and in the wider area. It also forms a main route for buses in the town centre following pedestrianisation in other areas nearby. Street furniture in the immediate vicinity of the appeal site includes tall street lighting columns either side of two predominantly glazed bus shelters. Unlike those closest to the appeal site, other bus shelters that incorporate advertisement displays to their side elevations are located within wider sections of pavement further downhill from the appeal site.
7. The CA comprises a mix of commercial uses and a variety of buildings and spaces within the town centre, which contribute to its overall vibrant and historic character. Its significance, insofar as is relevant to the appeal, derives in part from its architectural variety with Quaker and Victorian influences, and pleasant areas of public realm and spaces, contributing to its architectural and historic interest. There are Grade II listed buildings nearby at The Queen's Head Hotel, 5 and 6 Tubwell Row (now The Quays public house), and The Clock Tower and The Market Building on West Row. The appeal site forms part of an area that positively contributes to the significance of the CA as a whole, comprising a prominent position within this busy street featuring historic characteristics.
8. The proposal would result in a large and bulky structure sited between one of the bus shelters and a street lighting column. Whilst the proposal would have a smaller footprint than the bus shelters, these appear as relatively lightweight structures due to their slim frames and glazing. Notwithstanding this, the proposal would reduce the space between the existing street furniture and add to a concentration of visual clutter in the street scene. Due to its free-standing design, siting, scale and appearance, the proposal would appear as a visually intrusive and incongruous structure in this location. Whilst my assessment is limited to the refusal of an application for planning permission and not advertisement consent, the design of the structure and its integrated display would be prominent and would draw attention.
9. Notwithstanding this, although it would be sited to the front of a more modern building in comparison to adjacent traditional development, due to its scale and appearance, the proposal would do little to positively respond to its local context or be sympathetic to local character in this area. It would not be a sensitive form of new street furniture in this location, and the proposal would introduce a discordant form of development in this part of the street scene in addition to the existing structures. It would have a detrimental impact on the character and appearance of the area, and the contribution it makes to the significance of the CA would be diminished. The development would therefore fail to preserve or enhance the character or appearance of the CA, and it would harm its significance.
10. As the proposed change would be localised in terms of the CA as a whole, the harm to the significance of the CA would be less than substantial, and the harm would be at the lower end of the scale in that respect. Regardless of the level of harm, the National Planning Policy Framework (the Framework) at paragraph 212 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. Paragraph 213 requires that any harm to the significance of a designated heritage asset should have clear and convincing justification. Furthermore, paragraph 215 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.

11. The proposal would provide publicly accessible functions, including free calls to landlines, free Wi-Fi, interactive wayfinding, access to local webpages, a defibrillator and device charging. I also note the aims to promote inclusivity and connect communities, for community messaging, to enable people to access digital networks, and it would assist with the Framework's aims to support high quality communications. The proposal could also provide monitoring and CCTV facilities, and I note its sustainable design credentials. It would be reasonable to treat these as public benefits insofar that they would contribute to economic, social and environmental objectives set out in the Framework. However, these public benefits are given moderate weight, which would not be sufficient to outweigh the identified harm and the great weight that I must give to the conservation of the designated heritage asset.
12. For the reasons set out, I conclude that the proposal would be materially harmful to the character and appearance of the area, and it would not preserve or enhance the character or appearance of the CA. It would therefore conflict with Policies DC1 and ENV1 of the Darlington Local Plan 2016-2036 (February 2022). Amongst other things, these policies aim to ensure that proposals reflect the local environment, that design responds positively to the local context and for proposals to conserve the significance of designated heritage assets.

Other Matters

13. As established above, there are Grade II listed buildings within the area surrounding the appeal site. The public house at The Queen's Head Hotel, 5 and 6 Tubwell Row adjoins the more modern building closest to the appeal site and adjacent to the nearby bus shelters. This three-storey building, constructed with brick, slate and with timber sash windows, dates from the 18th century. Its significance as a heritage asset, insofar as is relevant to the appeal, is derived from its architectural and historic interest.
14. The setting of the listed building at 5 and 6 Tubwell Row includes the pavement at the appeal site, and it is primarily experienced from the area to its frontage and opposite on Tubwell Row. Due to the location of the proposal in relation to the existing bus shelters, the intervisibility between the appeal site and the listed building is more limited in comparison to other more open views in the street scene. This reduces the contribution the appeal site makes to the setting and significance of this listed building, and the proposal would preserve its setting.
15. The Clock Tower is a tall, substantial building situated to the opposite side of Tubwell Row from the appeal site and to its corner with West Row. Its significance, insofar as is relevant to the appeal, derives from its considerable height and Italian Gothic design, contributing to its architectural and historic interest as a landmark building. This adjoins the lower height Market Building, which has a substantial footprint and is also directly opposite the appeal site. The horizontal scale and overall design of the Market Building contribute to its architectural and historic

interest, from which its significance as a heritage asset is derived, as relevant to this appeal.

16. Given its location opposite these listed buildings, the appeal site is within their wider setting. However, due to the intervening highway and separation, the appeal site makes a limited contribution to their overall setting. Whilst there is some intervisibility, given the scale of the proposal in relation to these buildings, their setting would be preserved, and their significance would not be harmed.
17. I note the Council also had no concerns regarding any harm in respect of the effect of the proposal on the setting of these listed buildings, and I see no reason to reach a different view. However, this does not alter my conclusion on the harm to the CA.
18. Although similar structures have been installed in locations across the country, each site and scheme will have different circumstances and site-specific characteristics. My assessment has been made having regard to the effects of the proposal in this location.

Conclusion

19. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

N Armstrong

INSPECTOR