
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: 6004835

Pavement outside 38 Northgate, Darlington DL1 1PP

- 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 25/00452/FUL.
 - The development proposed is the installation of a modern, multifunction hub unit featuring an integral advertisement display and defibrillator.
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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 Issues

5. The main issues are the effect of the proposal on:

¹ Appeal refs: 6004833 – Pavement outside 5 Tubwell Row, 6004837 - Pavement outside 41-45 Northgate, 6004840 – Pavement outside 4 Northgate and 6004841 – Pavement outside Santander, Bondgate

- the character and appearance of the area, including the Darlington Town Centre Conservation Area (the CA); and
- pedestrian safety.

Reasons

Character and appearance

6. The appeal site comprises part of the pavement within a larger pedestrianised area that extends throughout the town centre and CA. It lies in an area featuring predominantly commercial uses, with variations in the age and appearance of buildings. The site is located to the front of a group of more traditional buildings in comparison to some others in the street and wider area, although they feature modern shop fronts. The street furniture to the same side of the street as the appeal site in the immediate vicinity is relatively limited, with a group of low-level cycle stands nearby and a modest freestanding advertisement. Other features comprise seating, a refuse bin, cabinet, street lighting and a street tree planter opposite the site, and traffic signage with bollards separating the pedestrianised area on Northgate, adjacent to Crown Street, from the highway beyond.
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. The Grade II listed Head Post Office and Sorting Office, 28-32 Northgate is situated further south on Northgate to the same side of the street as the appeal site. Due to its position forming a relatively open part of the public realm and in an area featuring historic characteristics, the appeal site forms part of an area that positively contributes to the significance of the CA.
8. The proposal would introduce a large and bulky structure in relation to the existing low-level cycle stands and within a prominent position in this area of public realm. Whilst it would be seen in some views towards the buildings and busy highway further north on Northgate beyond the pedestrianised area, given its free-standing design, siting, scale and appearance, the proposal would appear as a visually intrusive and discordant structure in this location. The visual impact would be notable given the more open character of this section of pavement, and in the views passing through the area towards the more central part of the CA and town centre. Although 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. In any event, and despite the proximity to the nearby modern shopfronts, due to its scale and appearance, the proposal would not respond positively to its local context or be sympathetic to the local character of the area. It would not be a sensitive form of new street furniture in this location, and it would detract from the quality and openness of the public realm in the immediate and surrounding area of the appeal site. The proposal would therefore introduce an incongruous form of development into this part of Northgate. Consequently, 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 eroded. The development would therefore

fail to preserve or enhance the character or appearance of the CA, and it would harm its significance.

10. The appeal site is opposite and close to the location for a similar proposal referenced above to the pavement outside Nos 41-45 Northgate. Should both appeals be allowed, there would be a cumulative increase in the visual impact of such street furniture in close proximity in this area. This would increase the adverse visual effect from the proposal given that users of the public realm would see both developments as they pass through the area. In any event, for the above reasons, the proposal on its own would be a visually intrusive addition that would harm the character and appearance of the area.
11. Given its scale, the effect of the proposal would be localised in terms of the CA as a whole, therefore the harm to the significance of the CA would be less than substantial, and at the lower end of the scale in that respect. Irrespective 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. Paragraph 215 of the Framework requires the less than substantial harm to be weighed against the public benefits of the proposal.
12. 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. It aims to promote inclusivity and connect communities, provide community messaging, enable people to access digital networks, and it would assist with the Framework's aims to support high quality communications. The proposal could 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 benefits are given moderate weight and would not be sufficient to outweigh the harm and the great weight that I must give to the conservation of the designated heritage asset.
13. 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) (the DLP). 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.

Pedestrian safety

14. The predominantly commercial character of the area around the appeal site and the function of Northgate as a pedestrianised route contribute to a busy environment. I observed reasonably high levels of pedestrian movements along this part of Northgate during my site visit, which will likely fluctuate at different times of the day. Due to the designated pedestrian zone, vehicle usage of this part of Northgate is limited to loading and taxis at specific times of the day.
15. Whilst the pavement close to the appeal site is not as wide in comparison to the width of the pavement on the opposite side of the street, the proposal would be

sited to its outer part, close to the change in surface material that delineates the area for vehicles. I am mindful of the Council's Highway Development Control comments and note the annotation on the submitted plan. I also note the busy pedestrian environment, and I have had regard to the periods when vehicles would be able to use this street. However, from the information before me and my observations on site, given the width of the pavement in this area, I am not satisfied that the siting and scale of the proposal would reduce its effective width to a harmful extent or unduly impede pedestrian flows.

16. For these reasons, I conclude that the proposal would not have a harmful effect on pedestrian safety. It would therefore accord with Policy IN1 of the DLP, which amongst other things aims for developments to protect existing footpaths and achieve permeability and connectivity for pedestrians.

Other Matters

17. The significance of the Grade II listed Head Post Office and Sorting Office as a heritage asset, insofar as is relevant to the appeal, is derived in part from its architectural and historic interest, given its age, design and architectural detailing. Its setting includes the appeal site, and the listed building is primarily appreciated from the area to its frontage and close views along Northgate. Due to the location of the proposal to the same side of the street and the intervisibility between the site and the listed building, the contribution the appeal site makes to the setting and significance of the listed building is limited. Based on the location and scale of the proposal, the setting of the listed building would be preserved.
18. The Council had no concerns regarding any harm from the proposal on the setting of the listed building, and I have no reason to reach a different view. However, this does not alter my conclusion on the effect of the proposal and the harm to the CA.
19. I observed a hub structure of a different design to the scheme before me installed by another operator to the front of a modern building further north on Northgate. There are no details before me of the planning circumstances relating to the installation of that hub and so I cannot determine if those are directly comparable to the appeal scheme to weigh in its favour. However, this appears to be outside of the CA and well beyond the pedestrianised public realm setting of the appeal scheme, and therefore in a materially different site context. The presence of this development does not alter my conclusion. Although similar structures have also been installed in other 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 effect of the proposal in this location.

Conclusion

20. Notwithstanding my finding on pedestrian safety, there would be harm to the character and appearance of the area, including the CA. The proposal therefore 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