
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: 6004837

Pavement outside 41-45 Northgate, Darlington DL1 1TR

- 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 25/00653/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 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: 6004833 – Pavement outside 5 Tubwell Row, 6004835 - Pavement outside 38 Northgate, 6004840 – Pavement outside 4 Northgate and 6004841 – Pavement outside Santander, Bondgate

Reasons

6. The appeal site forms part of the pavement within a larger pedestrianised area that extends through the town centre and the CA. It is situated within a street and area characterised by predominantly commercial uses, with variations in the age and appearance of buildings. The site lies to the front of an attractive Art Deco former cinema building that has been altered with modern shop fronts. The street furniture in the immediate vicinity to the same side of the street as the appeal site includes low-level seating, a refuse bin, equipment cabinet and street lighting columns. Other features include low-level cycle stands opposite, a street tree planter and traffic signage with bollards demarcating the edge of the pedestrianised area on Northgate adjacent to Crown Street.
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 and to the opposite side of the street from the appeal site. The appeal site forms part of an area that positively contributes to the significance of the CA due to its position on a busy shopping street and pedestrianised route, and in an area featuring historic characteristics.
8. The proposal would comprise a large and bulky structure in relation to the existing lower-level street furniture, within a prominent position in the public realm to this area. There would be some views of the proposal towards the buildings and busy highway further north on Northgate beyond the pedestrianised area around the appeal site and outside of the CA. However, given its free-standing design, siting, scale and appearance, the proposal would appear as a visually intrusive and discordant structure in this location, particularly in 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 rather than advertisement consent, the design of the structure and its integrated display would be prominent and would draw attention.
9. Notwithstanding that, and although it would be sited to the front of modern shop fronts, given its scale and appearance, the proposal would not positively respond to its overall local context or be sympathetic to the local character in this area. It would not comprise sensitive new street furniture in this location, and it would erode the quality of the public realm in the immediate and surrounding area of the site. The proposal would therefore introduce an incongruous form of development into this part of Northgate. 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. The appeal site is opposite and close to the site for a similar proposal and appeal referenced above to the pavement outside 38 Northgate. If the appeal scheme before me and the appeal scheme at 38 Northgate were both to be allowed, there would be a cumulative increase in the visual impact of such street furniture in close proximity in this area. This would exacerbate the adverse visual effect that I have found from the proposal given that users of the public realm would see both

developments as they pass through this part of the CA. Notwithstanding the above, for the reasons set out, the proposal on its own would be a visually intrusive addition that would harm the character and appearance of the area.

11. Due to 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. 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.
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. 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 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. 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

14. The significance of the Grade II listed Head Post Office and Sorting Office as a heritage asset, insofar as is relevant to the appeal, derives 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 opposite 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.
15. The Council raised no concerns regarding any harm in respect of the effect of 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.

16. I observed a hub structure of a different design to that in 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 am not able to determine if those are directly comparable to the scheme before me to weigh in favour of the appeal. However, this appears to be outside of the CA, and it is also outside of the same pedestrianised public realm setting as 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

17. 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