



## Planning Services

# COMMITTEE REPORT

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### APPLICATION DETAILS

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**APPLICATION No:** DM/23/02539/LB

**SITE LOCATION:** 90 Gilesgate Durham DH1 1HY

**FULL AND LISTED BUILDING APPLICATION DESCRIPTION:** Convert existing attic space to bedroom with en-suite, including new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms. Convert outbuilding to office space including alteration to the external walls and roof.

**Name of Applicant:** Justin Taylor

**Electoral Division:** Elvet and Gilesgate

**Case Officer:** Clare Walton Planning Officer 03000 261060  
clare.walton@durham.gov.uk

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### DESCRIPTION OF THE SITE AND PROPOSAL

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#### Site

1. The application site is a prominent, white painted, 3 storey Georgian townhouse which is Grade II listed and fronts directly onto the north side of the green at Gilesgate Durham and is also set within the Durham City Centre Conservation area. Gilesgate is one of the City's principle historic streets and makes a positive contribution to the surrounding Conservation Area. The site includes a detached outbuilding which spans the boundary with the adjacent property.
2. The application site is framed predominantly by residential properties to the north east and west. To the west there is an attached unlisted 2 storey brick faced dwelling and to the east is a lane (West View) which gives access to dwellings to the north.

#### The Proposal:

3. Listed Building Consent is sought to convert the existing attic space to a bedroom with en-suite, including a new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms. Conversion of an existing outbuilding to office space including alteration to the external walls and roof is also proposed.

4. This application should be read in conjunction with Full Planning Application Ref: DM/23/02538/FPA.
5. The conversion of the existing outbuilding to office retains the footprint of the existing building into one main space with a small shower room and kitchenette. The space will be used to predominantly support home working as well as additional space connected to the garden. Alteration to the roof is proposed replacing the current flat roof arrangement with a dual pitch either side of a small flat area.
6. The proposal also includes the conversion of the existing attic to create an additional bedroom with ensuite, a new staircase is required and to accommodate this the 2<sup>nd</sup> floor layout would be altered. The space occupied by the existing 2 bedrooms and small bathroom will be reconfigured to provide one bedroom with en suite, a larger bathroom and the stairs to the attic floor.
7. This application is a re submission of a previous scheme that was refused due to concerns over the scale and size of the proposed extension to the outbuilding and the design of a proposed dormer window and their impact upon the setting of the listed building and the conservation area. The revisions reflected in the current application reduce the size, scale and massing of the outbuilding significantly and the box glass dormer window has been removed and replaced with velux windows. Whilst the original submission proposed the use of Envirobuild 'granite' cladding this has since been amended with the external materials of the alterations to the outbuilding proposed to be finished in Hardwood timber cladding stained black.
8. The revised application has been called to be determined by the planning committee at the request of Durham City Parish Council who considers the proposal to still be contrary to policy 44 of the County Durham Plan due to its inappropriate use of materials and cladding of the outbuilding which would lead to substantial harm to the designated heritage asset which would not be outweighed by public benefits contrary to the aims of policy 44 of the CDP and paragraphs 199 and 202 of the NPPF.

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## **PLANNING HISTORY**

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9. 4/95/00344/LB Installation of replacement window to utility room Approved 4th July 1995  
  
4/95/00748/LB Alterations to provide new window to gable and new rear boundary wall Approved 27th March 1996  
  
4/95/00751/LB Replacement of garage doors Approved 3rd January 1996  
  
4/04/00486/LB External alterations involving replacement of existing modern windows with timber sash windows and restoration of plaster to gable elevation Approved 22nd June 2004  
  
DM/23/00911/LB Loft conversion including a glass dormer window in centre of roof, with 3x conservation velux windows. Convert and extend the existing garage to a 1.5 storey garden room, with 2x dormer windows Refused 14th June 2023  
Specifically, this planning application was refused on the grounds of its excessive scale and inappropriate design resulting in substantial harm to the existing fabric and setting of Grade II Listed Building and associated curtilage which was contrary to

policy 44 of the CDP, H2 of the DCNP, Part 16 of the NPPF and Sections 66 and 72 of the Town and Country Planning (Listed Building and Conservation Areas Act (1990). Its significant detrimental impact upon the residential amenity of neighbouring properties through loss of privacy, overbearing and overshadowing, contrary to Policies 29 and 31 of the County Durham Plan and the Council's Residential Design Guide SPD and Part 15 of the NPPF and insufficient information to demonstrate that the development would not be harmful to protected species (in this case bats) contrary to policy 43 of the CDP and Part 15 of the NPPF.

DM/23/00993/FPA Loft conversion including a glass dormer window in centre of roof, with 3x conservation velux windows. Convert and extend the existing garage to a 1.5 storey garden room, with 2x dormer windows Refused 14th June 2023.

Specifically, the Listed Building Application was refused on the grounds that the development would fail to preserve the Grade II Listed Building contrary to the requirements of Section 66 of the Planning (Listed Building and Conservation Areas) Act 1990 and would lead to substantial harm to the designated heritage asset which would not be outweighed by public benefits contrary to the aims of policy 44 of the CDP and paragraphs 199 and 202 of the NPPF.

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## **PLANNING POLICY**

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### **National Policy**

10. NPPF Part 4 Decision-Making - Local planning authorities should approach decisions on proposed development in a positive and creative way. They should use the full range of planning tools available, including brownfield registers and permission in principle, and work proactively with applicants to secure developments that will improve the economic, social, and environmental conditions of the area. Decisionmakers at every level should seek to approve applications for sustainable development where possible.
11. NPPF Part 16 Conserving and Enhancing the Historic Environment - Heritage assets range from sites and buildings of local historic value to those of the highest significance, such as World Heritage Sites which are internationally recognised to be of Outstanding Universal Value. These assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance, so that they can be enjoyed for their contribution to the quality of life of existing and future generations.

[National Planning Policy Framework - Guidance - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/policies/national-planning-policy-framework)

### **County Durham Plan –**

12. The following policies of the County Durham Plan are considered relevant to the determination of this application.
13. Policy 44 - Historic Environment - seeks to ensure that developments should contribute positively to the built and historic environment and seek opportunities to enhance and, where appropriate, better reveal the significance and understanding of heritage assets.

## Neighbourhood Plan

14. Policy H2 of the City of Durham Neighbourhood Plan: Expects development within the City Centre Conservation Area to sustain and enhance its special interest and significance identified within the conservation area character appraisal taking account of sustaining and enhancing the historic and architectural qualities of buildings, continuous street frontages, patterns, boundary treatments, floorscape and roofscapes, avoiding loss or harm of an element that makes a positive contribution to its individual significance and surrounding area, using appropriate scale, density, massing, form, layout and materials, using high quality design sympathetic to the character and context, its significance and distinctiveness.

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## CONSULTATION AND PUBLICITY RESPONSES

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### Statutory Consultee Responses:

15. Durham City Parish Council objects to application and raises concerns that the unique Victorian Washhouse is a significant and rare asset within Gilesgate area and indeed the whole of Durham, whilst its original use is not certain it is understood to have been part of a blacksmith forge or wash house. Whilst they welcome the reduced scale to the outbuilding within the application the proposed use of Envirobuild Pioneer 'Granite' cladding in black creates a material and texture is incongruous with the existing brick and slate appearance of the outbuilding, and is starkly contrasting, rather than sympathetic to, the Listed building.
16. The black Envirobuild cladding is a new material to the property and does not match the existing building in terms of its style. Indeed, is hostile to the original, valued building and in stark contrast to anything else in the nearby environment. Parts of this proposed extension would be visible from other parts of the conservation area.
17. They go on to add that they have concerns in regard to the use of building and its potential to become a self-contained flat, holiday accommodation or otherwise.
18. However, the Parish Council welcomes the amendments to the original proposals insofar as the internal alterations of the main dwelling are concerned. The previously requested obtrusive and destructive dormer windows are now to be replaced by roof lights and this will allow the old beams to remain with full integrity.

### Internal Consultee Responses

19. Design and Conservation Section has advised that the revised proposal would preserve the character, appearance, and significance of the surrounding Conservation Area and Listed Building in accordance with the requirements of NPPF Section 16 and CDP Policy 44.
20. They confirm that the revised design of the extension proposal to the historic outbuilding is considered to have overcome the previous harm identified to the curtilage listed structure, however the use of Envirobuild "granite" cladding specified

is a concern as this is a composite material, amended details have been submitted changing this material to timber cladding and it is considered that would be acceptable.

21. The proposed substitution of the previous glazed box dormer for a skylight would be a far more sympathetic intervention read in conjunction with the existing roof-lights and causing no harm. Specification details would however be required and could be secured via planning condition. Importantly the submitted plan identifies that no structural alterations to roof trusses would be required. All other internal alterations to the listed building are considered acceptable and they offer no objection to those elements of the scheme.

## Public Responses

22. The application has been advertised by means of site notice and by notification letter sent to neighbouring residents.
23. 4 letters of objection have been received in response to both the Full Planning Application and Listed Building Application. These include comments from the City of Durham Trust and the Gilesgate Residents Association and raise the following concerns:
  - the use of Envirobuild 'Granite' cladding is unacceptable and not in keeping with the characteristic features of the original building.
  - The amount of the original roof remaining on the east elevation is barely adequate to retain the building's unique characteristics.
  - Installation of a shower in an office conversion opens a route to potential change of use.
  - Reduction of the flat roof height by 20 cm makes much better aesthetic sense of the cupola by providing a clear reason for its existence, as viewed from the West View Road.
  - The outbuilding could be used for additional accommodation/bedrooms/rental
  - Parking & Access - significant issues with parking in the area, not helped at all by the lack of any enforcement measures on this side of Gilesgate bank/green the proposed conversion of the outbuilding would worsen the current situation.
  - There is some concern that the purpose of the proposed rear conversion (and/or the attic conversion) is to facilitate use as a HMO.
  - The composite roof cladding will create a particularly inappropriate contrast directly with the slate roof and the pitch sides destroy the geometry of the pyramidal roof due to their height. Similarly, the inline junction between the wall cladding and newly exposed brick is also awkward in appearance.
  - Notwithstanding later modifications, the City of Durham Trust considers the outbuilding to be both of interest and as a remnant of previous uses to the rear of Gilesgate. It should be considered as one building despite its ownership division and is an important adjunct to, and part of the setting of, the listed building. It is therefore significant in its relationship to the character of the conservation area.
  - Should alterations be approved then it should be ensured that it includes a condition covering repair of the roof and central vent.

*The above is not intended to list every point made and represents a summary of the comments received on this application. The full written text is available for inspection on the application file which can be viewed at <https://publicaccess.durham.gov.uk/online-applications/simpleSearchResults.do?action=firstPage>*

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## PLANNING CONSIDERATION AND ASSESSMENT

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24. Having regard to the requirements of Section 38(6) of the Planning and Compulsory Purchase Act 2004 the relevant Development Plan policies, relevant guidance and all other material planning considerations, it is considered that the main planning issues in this instance relate to the impact on the surrounding Conservation Area, development which affects a listed building and its setting, the impact upon residential amenity, ecology highway safety.
25. Local authorities have a duty to preserve or enhance the Conservation Area as requested by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990. This requires Local Planning Authorities in the exercise of their planning function with respect to any buildings or other land in Conservation Areas to pay special attention to the desirability of preserving or enhancing the character or appearance of that area.

### Impact of the proposal upon designated heritage assets

26. No. 90 Gilesgate is an imposing residential dwelling of c.1760 comprising of 3-storeys and 3-narrow bays, with a rear wing that is possibly Victorian. The front is rendered with rusticated quoins and includes a corniced doorcase and C19 sliding sash windows. The buildings significance in brief derives from its listed status, historic interest, architectural/aesthetic merits as a fine example of a Georgian townhouse. Further significance derives from its very positive contribution to the surrounding Durham City Conservation Area, adding to the high quality architecturally diverse historic streetscape of Gilesgate.
27. At the north end of the rear garden plot stands a one-storey rectangular shaped brick outbuilding with a hipped slate roof and upstanding lantern type vent, positioned on the dividing boundary line between the two properties No 89 (unlisted) and 90. The true age of the outbuilding is unknown, but it is identifiable on the detailed OS map c.1857, labelled as "WH" signifying a wash house, and it appears to be an early Victorian building. The outbuilding would be considered curtilage listed.
28. The garden is approximately 17m long and is screened from the lane by a low stone wall with woven panels above. The outbuilding was originally square with a slate roof and timber slated lantern vent in the centre and is noted on historic maps as a Wash House, this building ownership is split through the middle of this original building.
29. An unsympathetically flat roof extension was added to the building around the 1990's to convert to a double garage with access from West View. The building no longer has vehicle access with the previous gates having been removed. Currently, the outbuilding is being used as storage and office space in association with the occupation of No. 90 Gilesgate as a dwellinghouse (Use Class C3). The garage door has been removed and replaced with French doors and windows have been added. The external walls have been overclad in vertical timber cladding.
30. The conversion and alterations to the outbuilding would include a contemporary pitched roof to provide more internal head room, this would follow the slope of the existing roof with a flat roof upper section to keep the current peak and the cupola.

31. The materials of the original wash house would be retained with the brick exposed and repaired or replaced as required, the slatted lantern vent and slate roof would be repaired. It was originally proposed that the external wall/roof of the former extension to the outbuilding would be finished in Envirobuild Pioneer 'Granite' cladding, (which is a modern composite material), black aluminium windows/doors and round profile upvc gutter and downpipes are proposed to tie in with the main house.
32. As noted, this application represents a revision and resubmission of a previously refused application. The revised design relating to the historic outbuilding is considered to have overcome the previous harm identified with the size, scale and massing having been significantly reduced and the form simplified to pay more regard to the original building. The alteration achieves a subservient relationship and does not overpower the original outbuilding that remains fully legible and recognisable as the main historic element. The extension presents itself as a contemporary intervention/addition with a clear dialogue set between old and new. In comparing the proposed extension to the existing flat roofed timber clad extension, it would replace it would be considered to result in an uplift in design and aesthetic quality with the significance of the outbuilding and its historic ancillary relationship with primary listed dwelling conserved.
33. The proposed substitution of the previous glazed box dormer for conservation skylights would be a far more sympathetic intervention read in conjunction with the existing roof-lights and causing no harm. However, specification details would be required.
34. The Council's Design and Conservation Section advises that the use of modern material and dark colour finishes is not opposed, the alternative use of traditional brick and slate to match the existing would blur the evolution of the built form and weaken the contemporary aesthetic seeking to be achieved. As noted, there was concern regarding the use of the Envirobuild "granite" cladding as this is a composite material and as consequence the applicant has amended this element of the proposal and a dark stained, hardwood timber cladding is proposed. The existing over cladding would be removed and the original brick work of the outbuilding restored that would be positive. However, given the curtilage listed status of the outbuilding a scope of repair works should be provided for review in this regard to be secured via planning condition attached to the Listed Building Permission.
35. Part 16 of the NPPF and Policy 44 of the County Durham Plan require new development to enhance or preserve the built and historic environment, recognising that heritage assets are an irreplaceable resource that should be conserved in a manner appropriate to their significance. In addition, Section 66 of the Town and Country Planning (Listed Building and Conservation Areas) Act requires Local Planning Authorities to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest when determining planning applications and applications for works to a listed building.
36. Several objections, including an objection from the Durham Parish Council, have been received in regard to the materials and design of the outbuilding to the rear, revisions were received in relation to the materials and the Council's Design and Conservation Section was reconsulted. In responding they confirmed that the use of black timber cladding would be considered to a more traditional and natural material and was acceptable. The timber cladding would have a black paint finish and would assist to signify the proposal as a latter contemporary addition, whereas the

alternative use of traditional brick and slate to match the existing, would in effect lessen the legibility between the two elements and the overall evolution of the built form.

37. In light of the above, taking into account Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990, it is considered the proposal would satisfy the provisions of part 16 of the NPPF and policy 44 of the County Durham Plan. The works are of appropriate scale and form in relation to the listed building and its curtilage and would not appear incongruous within the wider conservation area. The proposed materials are considered to have a positive impact upon the character and appearance of the Durham City Conservation Area through the introduction of timber cladding giving the extension to the outbuilding a more contemporary addition.
38. Concerns were received in regard to the outbuilding being seen from various parts of the conservation area and having a detrimental impact upon its character, however it is considered that the original roof form visible from outside the private rear garden would be conserved, with the outbuilding remaining legible and recognisable in this regard. From outside of the private rear garden the proposed extension would now be shielded from view by the side boundary treatment. Importantly it will now be of a subordinate ancillary scale in comparison to the adjacent terrace at West View c.1915, and there would no longer be co-visibility. In comparison the previous scheme was visually impactful in the context of the neighbouring residential terrace due to its competing height and resultant level of visibility and prominence. As such the revised design removes the previous adverse visual impact identified in views from the main street frontage along both side of Gilesgate when looking into the side access point, and from with the unadopted road to the rear (east) of West View.
39. Based on the above, it would be considered that the character, appearance, and significance of the surrounding conservation area would be preserved in accordance with the requirements of Section 66 of the TCP Listed Buildings and Conservation Areas Act, NPPF Section 16 and CDP 44.

#### Other Matters

40. Comments have been raised in relation to the applicant's potential future aspirations for the property. However, the current application relates to the stated works and no material change in use of the property is proposed. Should the application wish to make further alterations to the property or materially change its use to that of a HMO, this would require planning permission. In addition, various objections have been received from neighbouring properties that the dwelling is currently up for sale. However, again this is not considered to be a material consideration to which weight can be afforded in determination of this application. These concerns have been considered through the associated planning application.
41. Comments in relation to the restoration of the cupola were received and that the restoration must replicate existing materials and be done in consultation and collaboration with the adjoining owner. As mentioned above a scope of works associated with the listed building application would be required and submitted for approval for any repair work. However, any works to a party wall is a civil matter between the parties involved and not a material planning consideration in the determination of this application.



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## CONCLUSION

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42. The proposals relates to the conversion of the existing attic space to bedroom with ensuite, including new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms and conversion of outbuilding to office space including alteration to the external walls and roof. The property is Grade II listed and situated within Durham City Conservation area. Gilesgate and the outbuilding to the rear which is curtilage listed. it is considered that the character, appearance and significance of the conservation area and the important historic architectural features of the listed building would be preserved in accordance with the requirements of NPPF Section 16, CDP Policy 44 and Section 66 of the Town and Country Planning (Listed Building and Conservation Areas) Act 1990.
43. Whilst the comments and objections received from interested parties are noted, for the reasons detailed within this report the matters raised are not considered sufficient to sustain refusal of the application.

### Public Sector Equality Duty

44. Section 149 of the Equality Act 2010 requires public authorities when exercising their functions to have due regard to the need to i) the need to eliminate discrimination, harassment, victimisation and any other prohibited conduct, ii) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it and iii) foster good relations between persons who share a relevant protected characteristic and persons who do not share that characteristic.
45. In this instance, officers have assessed all relevant factors and do not consider that there are any equality impacts identified.

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## RECOMMENDATION

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That the listed building consent application be **APPROVED** subject to the following conditions

1. The works to which this consent relates must be begun not later than the expiration of three years beginning with the date on which the consent is granted.

Reason: Required to be imposed pursuant to Section 18 of the Planning (Listed Building and Conservation Areas) Act 1990 as amended by the Planning and Compulsory Purchase Act 2004.

2. The development hereby approved shall be carried out in strict accordance with the following approved plans List in Part 3 – Approved Plans

Reason: To define the consent and ensure that a satisfactory form of development is Obtained

3. Before works commence joinery details for the installation of the velux windows to the main dwelling shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be constructed in accordance with the approved details.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.

4. Before works commence a scope of repair works shall be submitted to and agreed in writing by the LPA providing precise detail of the removal of the cladding to the outbuilding, the repair or replacement of existing brickwork and the restoration of the cupola, thereafter the development will be carried out in accordance with the agreed detail.

Reason: In the interests of the visual amenity of the surrounding areas in accordance with Policies 29 and 44 of the County Durham Plan and Parts 12 and 16 of the National Planning Policy Framework.

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## **ADDITIONAL MATTERS**

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### Party Wall Act

If the plans deposited involve the carrying out of building work along or close to the boundary, you are advised that under the Party Wall Act 1996 you have a duty to give notice to the adjoining owner of your intentions before commencing this work.

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## **BACKGROUND PAPERS**

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Submitted Application Forms,  
Plans and supporting documents  
National Planning Policy Framework  
The County Durham Plan (CDP)  
Durham City Neighbourhood Plan  
Durham County Council Parking Standards adopted 2023  
Statutory consultation responses  
Internal consultation responses  
External consultation responses



**Planning Services**

**DM/23/02539/LB**

Convert existing attic space to bedroom with en-suite, including new staircase from 2nd floor, replacement skylights and alterations to existing bedrooms. Convert outbuilding to office space including alteration to the external walls and roof. 90 Gilesgate Durham DH1 1HY

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**Date** 9 April

**Scale** NTS