The Planning Inspectorate

Appeal Decisions

Site visit made on 26 October 2016

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 November 2016

Appeal A: Ref: APP/C2741/W/16/3156161
The Coach House, 38 Church Lane, Nether Poppleton, York, YO26 6LB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Robert Pulleyn against the decision of City of York Council.
- The application Ref: 15/02535/FUL dated 2 November 2015 was refused by notice dated 14 January 2016.
- The application sought planning permission for: "*conversion and extension of barn to form new dwelling and erection of detached car barn (resubmission)*", without complying with a condition attached to planning permission Ref: 11/03409/FUL dated 6 March 2012.
- The condition in dispute is No 2 which states that: "*he development hereby approved shall be carried out in accordance with the following plans: GSNP 126 Rev P5, GSNP 127 RevP3, GSNP 128 Rev P7, GSNP 129 Rev P6, GSNP 800 Rev P3, GSNP 900 Rev P1, GSNP 100 Rev P6, and GSNP 125 Rev P4P4 (all date-stamped 23 February 2012)".*
- The reason given for the condition is: "*For the avoidance of doubt and to ensure that the development is carried out only as approved by the Local Planning Authority"*.

Appeal B: Ref: APP/C2741/Y/16/3156159
The Coach House, 38 Church Lane, Nether Poppleton, York, YO26 6LB

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr Robert Pulleyn against the decision of City of York Council.
- The application Ref: 16/00074/LBC dated 4 January 2016 was refused by notice dated 29 March 2016

The works proposed are: "fit 5 No extra rooflights".

Decisions

1. The appeals are dismissed.

Procedural Matters and Main Issue

2. Although Appeal A is made against a condition attached to the original planning permission (Ref: 11/03409/FUL), Appeal B is made against the Council's refusal of an application for listed building consent for the insertion of 5 No roof lights (Ref: 16/00074/LBC). In effect, both appeals seek permission to install five additional rooflights in the rear west-facing roof slope giving a total of seven, including the two approved in the original planning application.

3. However, since the date of refusal of the current applications, the Council has granted planning consent[1] (for variation of condition 2) and listed building consent to permit the insertion of three additional rooflights[2] in the same roof slope. At the time of my site visit these three rooflights, together with the two originally permitted, had already been installed. Taking this into account, I consider the main issue common to both appeals is the effect of two additional rooflights on the special architectural and historic interest of the Grade II listed building and the character and appearance of the Nether Poppleton Conservation Area.

Reasons

4. The Coach House is a Grade II listed former barn of mid 18th century date located in a prominent position in the Nether Poppleton Conservation Area, to the south west of St Everilda's Church. The barn is currently in the process of being converted and extended to form a single dwelling. The appeal site comprises a discrete grouping together with the former farmhouse 'Greystones', which is also Grade II listed. As part of the approved conversion scheme, the street-facing elevation of the building has been designed to retain its agricultural character as far as practicable, with the principal living rooms located around the inward-facing (rear) west elevation of the building. The additional rooflights are sought to maximise the level of natural light to the first floor of the building.

5. At the Statutory level, Sections 16 (2) and 66 (1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* Act require the decision maker to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. As the site also lies within a conservation area, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Act. The statutory approach is reflected in Policies HE2, HE3 and HE4 of the City of *York Development Control Local Plan* (LP).

6. Paragraph 132 of the *National Planning Policy Framework* (the Framework) says when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation, and adds that significance can be harmed or lost through alteration or destruction of the heritage asset, or by development within its setting. As these heritage assets are irreplaceable, any harm should require clear and convincing justification.

7. I agree with the Council that a large part of the building's special architectural and historic interest derives from its origins as a modest farm outbuilding redolent of the local vernacular style, the use of traditional local materials, and its group setting within the former farmstead. Although the building's significance has partly been eroded during the conversion process, its essential qualities have been retained.

8. I accept that the roof slope where the additional (and permitted) rooflights would be inserted is not readily visible in long or short views from outside the site. I also agree that whilst the contribution of the building to the setting and significance of the principal listed building 'Greystones' is significant, the

[1] Ref: 16/00987/FUL
[2] Ref: 16/00317/LB

relationship of with the rear elevation of the appeal building is an indirect one with little inter-visibility. Furthermore that part of the roof into which the rooflights would be inserted is a modern replacement as part of the conversion works, and as such the impact of this further intervention would be modest.

9. However, and notwithstanding the extent permission for three additional rooflights, I consider that the insertion of two more rooflights, giving a total of seven, would fundamentally detract from and further dilute the building's agricultural origins. It would have a negative impact on the character and appearance of the barn, adding further domestication and clutter to this elevation. The Framework makes it clear that significance can be harmed or lost through the alteration of a heritage asset, and for the reasons given above I consider the proposal would result in harm being caused to the significance of this Grade II listed building and to the character of the conservation area.

10. However, I am satisfied in this case that the degree of harm would be less than substantial, and in such situations paragraph 144 of the Framework says this harm should be weighed against any public benefits arising from a proposal. I do not doubt that the additional rooflights would enhance the appellant's enjoyment of the property in that they would provide more light to the main bedroom. However, although the three additional rooflights already permitted would serve the central gallery area and a bathroom which would otherwise receive no natural light, I consider that the main bedroom is already adequately lit and ventilated by a window in the west elevation and two smaller windows in the gable. Therefore, these amenity considerations offer little weight in favour of the proposal, and as a consequence, what public benefits there might be are not sufficient to outweigh the harm they would cause.

Conclusion

11. In summary, whilst I consider the proposal would not harm the setting of the adjacent listed building 'Greystones', I have concluded that it would cause less than substantial harm to the significance of the Grade II listed building and would not preserve its special architectural or historic interest. For the same reasons would it would fail to preserve the character and appearance of the Nether Poppleton Conservation Area. It has not been shown that public benefits would outweigh this harm, and so the proposal would conflict with LP Policies HE2, HE3 and HE4 and national policy in the Framework.

12. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeals should be dismissed.

Nigel Harrison

INSPECTOR