

Appeal Decision

Site visit made on 1 November 2016

by Elaine Worthington BA (Hons) MTP MUED MRTPI

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

Decision date: 14th November 2016

Appeal Ref: APP/V2723/W/16/3155304

Part of garden area, Low Hall, Aldbrough St John, North Yorkshire, DL11 7TF

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Ms B Kelly against the decision of Richmondshire District Council.
 - The application Ref 15/00690/FULL, dated 30 August 2015, was refused by notice dated 9 February 2016.
 - The development proposed is the erection of a dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - Whether the proposal would preserve or enhance the character or appearance of the Aldbrough St John Conservation area, including its effect on the setting of The Old Hall a grade II listed building; and
 - The effect of the proposal on the living conditions of the occupiers of Old Hall Cottage East, with particular reference to outlook.

Reasons

Character and appearance

3. The appeal site is an open garden area adjacent to The Old Hall a grade II listed building dating from the early to mid 18th Century. It has a central three storey block with a pair of two storey forward projecting side wings and is divided into three dwellings (The Old Hall in the middle with Old Hall Cottage East to one side and Old Hall Cottage West to the other).
 4. The site is within the Aldbrough St John Conservation Area. This covers the historic core of the agricultural settlement and centres on the distinctive feature of the broad sweeping village green around which the houses and cottages are arranged. The Council's Conservation Area Profile recognises that this produces an unusual blend of townscape and landscape where houses and cottages are spaciouly arranged. It also indicates that the Conservation Area contains some fine individual buildings, with an unusually high proportion of large imposing houses, especially along Low Green where The Old Hall is identified as an individual building of particular note.
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5. Thus, The Old Hall and the appeal site occupy an open and prominent position facing on to the village green and, along with the other buildings on the north side of Low Green, play an important role in defining the character of the area, which is part of the Conservation Area's significance as a heritage asset.
6. The appeal site provides an area of open space to the east of The Old Hall which is matched by another to the west. Thus the listed building is separated from the buildings to the west and east by open land and sits apart from its neighbours. There are single storey buildings on the area to the west and a tall hedge fronting the road there. Whilst this considerable planting to some extent obscures the open nature of the site, it also screens the low buildings. To my mind, neither feature detracts unduly from the spaciousness of the area to the west of The Old Hall which retains the appearance of a gap between The Old Hall and Aldbrough Hall. On the other side, although the roofs of the houses behind are seen at the back of the appeal site, the plot retains an open feel and separates The Old Hall from the more modern pair of semi-detached houses to the east. As such, the balance of the predominantly open space to either side of The Old Hall plays an important role in defining its setting.
7. The proposed house has been designed in conjunction with a heritage consultant and in the context of a previous refusal of planning permission for the residential development of the site. It would incorporate traditional features, proportions and materials and have a lower ridgeline than the adjacent buildings. The Council raises no objections to its design per se. Nevertheless, it would be sited on the open area of land to the east side of The Old Hall and would introduce a detached two storey dwelling that would fill much of the width of the plot and bring development close to the boundary with Old Hall Cottage East.
8. Despite being set back in the plot and lower in height than the adjacent properties, the proposed house would upset the generally balanced and formal appearance of The Old Hall and would introduce neighbouring development in much closer proximity to it than is currently the case. This would compromise the isolation and lack of crowding of the structure which the appellant's Heritage Report recognises lends The Old Hall a local dominance. Thus, the visual primacy of The Old Hall and its spacious surroundings would be eroded and the proposal would seriously detract from the setting of this listed building.
9. A new vehicular access and parking area would be provided to the front of the proposed house and would create a break in the site's front stone wall and the roadside grass verge. The Council considers that the boundary wall along this part of the north side of Low Green is part of the original curtilage of The Old Hall and defines the historic extent of its garden. Although there are existing breaks in the wall in front of the building which provide accesses to the three dwellings in The Old Hall, the considerable stretches of wall further to the east and west are continuous. These uninterrupted lengths of wall and verge appear balanced on either side of The Old Hall and in my view also contribute its setting.
10. The proposed access would not be particularly wide and a good deal of the wall would be retained. Even so, its introduction to the appeal site's frontage would result in a not insignificant break in the extent of the wall and verge where there is currently none. This would further undermine the appeal site's role in defining the original space around The Old Hall. It would also appear at odds

with the continuous stretch of wall and verge to the west and exacerbate the unbalanced appearance that would arise from the proposed house. This would add to the harm that would be caused to the setting of The Old Hall.

11. I understand that planning permission was previously granted for a gateway and vehicular entrance to the appeal site and note that this would still be desirable in the absence of the appeal scheme. However, that permission has now lapsed and a further application to the Council would be required. I also note the appellant's argument that the removal of part of the wall (which is less than 1 metre in height) would not exceed permitted development tolerances. However, it has not been put to me why such works would be undertaken in the absence of the appeal scheme, and I have no substantive evidence to indicate that there is a significant probability that they would necessarily be undertaken. In any event, these fallback positions do not involve the construction of a house and so are less substantial than the appeal scheme.
12. Development on the north side of Low Green is varied with a mix of sizes and designs. The Council's Conservation Area Study (CAS) establishes that the line of houses there are diverse in architectural form, scale and historical interest. I appreciate that piecemeal single developments have taken place there and so make up part of the history of the area. Even so, this development tradition has managed to maintain a well spaced pattern of development which still prevails. The CAS recognises that as a group the buildings are somewhat loosely knit, but form an interesting and varied composition.
13. In unacceptably reducing the spacious surroundings of The Old Hall, the proposal would also create a much more continuous built frontage along Low Green and bring the properties there closer together making them more tightly grouped. This would be directly at odds with the existing loose knit character of the row and would undermine the varied composition that currently exists. This intrusion would be evident from Low Green and in wide ranging views from, and across, the village green. It would disrupt the existing attractive rhythm and flow between the buildings and spaces on Low Green and blur the current distinction that exists between the historic core of the village and the more modern houses to the east.
14. In order to allow The Old Hall to be appreciated on approach from the east, the proposed house would be set back in its plot. Although the wider building line along Low Green is varied, in the immediate vicinity of the appeal site Aldbrough Hall, The Old Hall, and 1 and 2 Low Green share a common line and are all set back a similar distance from Low Green. The proposed house would sit well behind these and appear at odds with this immediate context and somewhat incongruous in this part of the street scene as a result.
15. The CAS recognises that the stone boundary walls along Low Green provide important visual links to give the group of buildings as a whole a degree of cohesion. As set out above, the wall to the front of The Old Hall is not continuous and there are other accesses along the wider row where frontage parking takes place. Nevertheless, I have found that the access would break the solidity of the wall and the verge and detract from the setting of The Old Hall. Consequently, it would also to some extent erode the cohesion of the group of buildings on the north side of Low Green and undermine the existing visual links between them.

16. For the reasons given, the proposal would therefore fail to be in keeping with, and would detract from, both the setting of The Old Hall and the historic character of the area, which are of significance to the area's heritage. Paragraph 131 of the National Planning Policy Framework (the Framework) indicates that the desirability of sustaining and enhancing the significance of heritage assets should be taken into account in determining planning applications. Whilst the proposal would lead to less than substantial harm to the significance of the Conservation Area (as described at paragraphs 133 and 134 of the Framework), the harm caused would be material.
17. I conclude on this main issue that the proposal would fail to preserve or enhance the character or appearance of the Aldbrough St John Conservation Area and would be harmful to the setting of The Old Hall, and would therefore adversely affect the significance of these designated heritage assets. This would be contrary to Policy CP12 of the Richmondshire Local Plan Core Strategy (Core Strategy) which seeks to conserve and enhance the significance of the area's natural and man-made designated or undesignated assets. It would conflict with Core Strategy Policy CP3 which supports sustainable development including the historic environmental and cultural features of acknowledged interest (1) (I).
18. The proposal would fail to support Core Strategy Policy CP4 (3) (a) which indicates that development should not impact adversely on the character of the settlement or its setting, important open spaces and views, designated and undesignated heritage assets and the character of the landscape. It would undermine Core Strategy Policy CP13 which seeks to promote high quality design which provide a visually attractive, functional and low maintenance development (a) and respect and enhance the local context and its special qualities including its design features, landscape, social activities, historic environment and nationally and locally recognised designations. It would also be at odds with the core planning principles of the Framework of preserving the significance of designated heritage assets and securing high quality design.

Living conditions

19. The proposed house would be close to the boundary with neighbouring Old Hall Cottage East which has flank windows facing the appeal site. Despite being set back in the plot it would be visible from these windows and to some extent from Old Hall Cottage East's rear windows too.
20. That said, although the appeal site is at a higher level than its neighbour, the proposed house would not be as tall as Old Hall Cottage East. Whilst the proposed house would be positioned relatively close to the boundary, Old Hall Cottage East is set well of the boundary and separated from it by a driveway area. I understand that the ground floor window and door are to a kitchen whilst the upper floor flank windows serve a bathroom and landing. Whilst the proposed house would extend rearwards of its neighbour, that part of it behind Old Hall Cottage East would be predominantly single storey.
21. On this basis, I am not persuaded that the proposal would be seen at particularly close quarters from Old Hall Cottage East or that it would be appreciated as an unduly obtrusive or dominant feature that would lead to any harmful loss of outlook for the occupiers of that neighbouring property. For the same reasons, nor am I convinced that there would be any harmful loss of daylight or sunlight to Old Hall Cottage East.

22. A side ground floor window is shown on the west elevation of the proposed house which would serve the dining area. The Council is concerned that this would lead to overlooking of Old Hall Cottage East's flank windows and would fail to provide satisfactory living conditions for the future occupiers of the proposed house in terms of privacy. However, the Council considers that this impact could be mitigated by boundary screening. Furthermore, the appellant advises that the window could be obscured glazed or omitted from the scheme. These measures could be secured via planning conditions. This being so, I am satisfied that the proposal would not lead to any undue issues of overlooking or inter-visibility between the two properties.
23. I therefore conclude on this issue that the proposal would not be harmful to the living conditions of the occupiers of Old Hall Cottage East, with particular reference to outlook. Thus I see no conflict with Core Strategy Policy CP4 (3) (e) which indicates that development should not cause significant adverse impact on amenity. Nor would the proposal be at odds with the core planning principle of the Framework to secure a good standard of amenity for all existing and future occupiers of land and buildings.
24. However, the absence of harm with regard to this main issue counts neither for, nor against, the proposal and does not alter my conclusions in relation to the first main issue in this case.

Other matters

25. Whilst the appellant regards there to be an under supply of houses in the District over the plan period, the Council advises that it can demonstrate a 5 year supply of housing as outlined in its Interim 5 Year Housing Land Supply Position Statement (June 2015). In any event, the scheme's contribution to housing land supply counts in its favour. In particular I note the appellant's argument that as an infill site in an existing village the proposal aligns with the Council's strategy to provide a large proportion of its housing through small sites in villages. I also appreciate that such small scale development is important to meeting the housing needs of the rural area and helping to maintain the sustainability of the village and to support services in Aldbrough St John and neighbouring settlements.
26. Even so, this public benefit of proposal would not be great given the scale of the scheme for a single dwelling and would be insufficient to outweigh the harm I have identified in relation to the first main issue in this case.
27. Although not a reason for refusal, the Council objects to the lack of a contribution for affordable housing in this case. I note the appellant's view that such a contribution is not appropriate and would place an undue burden on the sale and the development of the site. Notwithstanding this disagreement between the parties, given my conclusion on the first main issue, and since my decision does not turn on this matter, I have not considered it further.

Conclusion

28. For the reasons set out above, I conclude that the appeal should be dismissed.

Elaine Worthington

INSPECTOR