
Appeal Decisions

Site visit made on 5 December 2016

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 16th January 2017

Appeal A: APP/C9499/W/16/3159378

Stirton Croft, Stirton Lane, Stirton, Skipton, BD23 3LN

- 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 Mr & Mrs Clive Armstrong against the decision of Yorkshire Dales National Park Authority.
 - The application Ref C/65/619G, dated 26 June 2016, was refused by notice dated 16 August 2016.
 - The development proposed is an orangery.
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Appeal B: APP/C9499/Y/16/3159381

Stirton Croft, Stirton Lane, Stirton, Skipton, BD23 3LN

- 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 & Mrs Clive Armstrong against the decision of Yorkshire Dales National Park Authority.
 - The application Ref C/65/619H/LB, dated 26 June 2016, was refused by notice dated 16 August 2016.
 - The works proposed are the construction of an orangery.
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Decisions

1. Appeal A: The appeal is dismissed.
2. Appeal B: The appeal is dismissed.

Preliminary Matters

3. During the course of the application, the plans were amended and, amongst other things, the originally proposed three light upper floor window was withdrawn. I have dealt with the appeals on the basis of the amended plans for the orangery only.
4. The Authority adopted the Yorkshire Dales Local Plan 2015-2030 on 20 December 2016. Accordingly Policies GP1, GP2 and B13 of the Yorkshire Dales Local Plan 2006, which formed part of the reason for refusal, have now been superseded by Policy L1 of the Local Plan 2016. I have taken the most up to date policies into account in my consideration of the appeal.

Main Issue

5. The main issue in this case is the effect of the proposal on the special architectural and historic interest of the Grade II listed building.

Reasons

6. Stirton Croft is a residential property dating from the mid-late C18, with C19 and C20 alterations. The building appears to have been constructed in distinct phases as set out in the list description, which are apparent in the appearance of the building. The front section of the building which faces Stirton Lane, was constructed around 1830. It has a formal character as a result of its double fronted, symmetrical appearance. At the rear, the slightly later addition has a more linear form and a simpler character with irregularly positioned windows, a single set of double doors and large areas of plain masonry. Attached to that is a more recent extension across the rear of the property, which has a lean-to form.
7. The starting point for the consideration of the proposal is Sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which require that special regard is had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses. I consider that the principal significance of the building, in terms of its special architectural and historic interest derives from its age, its form and character and its historic development which is still clearly perceived.
8. The proposed orangery would be sited in a slight recess behind the front section of the building. Nevertheless it would significantly enlarge the rear portion of the dwelling such that it would be wider than the front. Therefore, whilst the extension would be set back from the principle front elevation, it would harm the linear form of the building and undermine the dominance of the front section. Furthermore, the extension would project across more than half of the side elevation of the original building and would obscure much of the historic fabric on the southern side. Cumulatively the proposed extension and that already built at the rear, would have a significant impact on the building's original plan form. In addition, the proposed extension would blur the distinction between the historic phases of the development.
9. The extension would be constructed in matching materials and would include a substantial amount of glazing which would allow some glimpses through to the original structure. However, its appearance, with numerous multi-paned windows and a glass lantern roof-light, would be far grander than that of the plain side elevation of the existing building and as such would adversely affect its simple character. As a result of its scale and appearance the extension would not, in my judgement, constitute a subservient feature on the building. I have taken into consideration the amendments to the proposed structure made during the application process, which include a reduction in the height of the lantern roof-light and an alteration to the appearance of the end elevation. However these are relatively minor changes that would not, in themselves, outweigh the fundamental harm that would be caused to the listed building.
10. In terms of its prominence in the street scene, I acknowledge that the extension would only be glimpsed through the existing boundary planting. However, the planting is not a permanent fixture and moreover, listed buildings are protected for their inherent qualities, irrespective of whether or not they are visible to the public.
11. The appellants have drawn my attention to an appeal decision in Sutton-in-Craven relating to an extension to a listed building which is referenced in a planning justification report for an application for a replacement conservatory

at Prospect House, Arncliffe. However, neither the reference for the appeal decision nor the history or background has been provided. It appears that both decisions were for replacement structures and I cannot therefore be certain whether the circumstances of that case are directly comparable to the scheme that is before me.

12. The appellants also refer to a substantial extension at the neighbouring property, Ivy Cottage, which I saw on site. The occupants of that property advise that the extension was on the site of an earlier barn and I note from the plans supplied that it incorporated part of the former barn wall. Accordingly it seems to me that the circumstances of that case are different to the appeal proposal. Notwithstanding this, I must determine the appeal proposal on its own merits.
13. The approach in the National Planning Policy Framework is that where the harm to the significance of the building would be less than substantial, as in this case, it should be weighed against the public benefit of the proposal. Less than substantial harm does not equate to a less than substantial planning objection. I acknowledge that the proposal would be of benefit to the appellant in providing additional living space. However, I am not persuaded that this consideration, or the lack of objection from the Stirton-with-Thorlby Parish Meeting, equates to a public benefit, sufficient to outweigh the harm that I have identified.
14. For the reasons set out, I conclude that the development would harm the special architectural and historic interest of the listed building. Moreover, it would not comply with the weighty statutory requirements of the Act, as set out above. Also, for these reasons, the proposal would not comply with saved Policy L1 of the Yorkshire Dales Local Plan 2016 which seeks to ensure that new development conserves or enhances the significance of a designated heritage asset.
15. I have had regard to Policy SP4 of the Local Plan 2016, drawn to my attention by the appellant but which is not relied upon by the Authority. In my judgement the proposal would not conserve or enhance the historical character and appearance of the site for the reasons set out above and would not therefore comply with this policy. Notwithstanding this, however, the proposal would not comply with the development plan when considered as a whole.
16. Therefore, for the above reasons and taking into account all other matters raised, the appeals are dismissed.

S Ashworth

INSPECTOR