

Appeal Decision

Site visit made on 23 March 2017

by M Seaton BSc (Hons) Dip TP MRTPI

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

Decision date: 10 April 2017

Appeal Ref: APP/E2734/D/16/3160781

Yew Tree Cottage, Fearby, Ripon, North Yorkshire, HG4 4NF

- 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 Mrs Steph Owen-Stanford against the decision of Harrogate Borough Council.
 - The application Ref 16/03381/FUL, dated 5 August 2016, was refused by notice dated 27 September 2016.
 - The development proposed is the erection of two storey side extension.
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Procedural Matter

1. There is a certain degree of variation between the appellant and the Council in the description of the proposed development. Whilst I am satisfied that the overall essence of the descriptions are broadly the same, I have adopted the Council's more detailed version which I consider to be the more accurate.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issues are the effect of the proposal on the character and appearance of the dwelling, whether the proposal would preserve or enhance the character or appearance of the Fearby Conservation Area, and the effect on the special qualities and character of the Nidderdale Area of Outstanding Natural Beauty (AONB).

Reasons

4. The appeal property is a detached stone and slate dwelling set within the Fearby Conservation Area and the Nidderdale AONB. The property is set between the Black Swan Public House and an adjacent dwelling with open countryside set beyond the rear garden of the site to the south, along with a caravan and camping site extending southward from the rear of the public house. The appeal property has planning permission for a rear extension, which was granted in August 2016.
 5. The Council has expressed concern over the impact of the cumulative scale of the extensions, and that the resultant development would be incongruous in its form, dominating the original dwelling and eroding its character. Also, that the siting and appearance of the side extension would harm the appearance of the existing dwelling and would reduce the gap between buildings within the
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streetscene, to the detriment of the conservation area and the special character of the Nidderdale AONB.

6. I am mindful that I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to consider the impact of the proposal on the special architectural and historic interest of the setting of the heritage asset (the conservation area). Section 72(1) of the Act sets out that in the exercise of planning functions, with respect to any buildings or other land in a conservation area, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.
7. Paragraph 132 of the Framework 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 134 of the Framework confirms that where a development proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.
8. The Council has referred me to the *Fearby Conservation Area Character Appraisal* which defines the location of the appeal site as being within the 'West of the Green' character area. This area is strongly defined by its linear form of development, with Yew Tree Farm (indicated to be Yew Tree House) identified as a building of local interest, and being set behind a formal low boundary wall and garden. With its principal elevation to the street, the symmetrical front elevation is highlighted as being imperfect with the central bay slightly off-centre, albeit that this is identified as part of a vernacular tradition.
9. The proposed two-storey side extension would represent a further large addition to this detached dwelling beyond the already large extension which has been approved to the rear. In this respect, I would agree with the Council that as a consequence of the size and volume of the additions that the accumulation and bulk of the extensions would have an unduly overbearing and dominating impact on the original dwelling, which I consider, would be to the detriment of its visual character and traditional form.
10. I acknowledge that the proposed extension would be set back from the front elevation and down at the ridge as a means of promoting its subservience, and also that the use of matching materials and the design of the rear rooflight would be acceptable. However, in respect of the detailed design, I do not consider that the proposed window proportion or the incorporation of an integral garage and consequent door within the front elevation would be sympathetic to the character of the original dwelling. Furthermore, I consider that the latter element in particular would represent an undesirable and obtrusive addition to the street scene of the Conservation Area.
11. I have carefully considered the impact of the proposal on the street scene, and assessed the importance of existing gaps within the street scene in the Conservation Area, and also whether there would be an adverse impact on the special qualities and character of the Nidderdale AONB. However, whilst I accept that the two-storey side extension would clearly erode the gap between the appeal property and the public house, it was evident that a sizeable gap would remain between the resultant building and the public house. As a consequence, I do not agree that the proposed extension in this respect would have an adverse impact on the Conservation Area. Furthermore, given the

location of the appeal site within an existing linear row of buildings, I am satisfied that the proposals would not result in an adverse impact on the open character or distinctiveness of the Nidderdale AONB.

12. The appellant has referred me to the Council's own guidance provided within the supplementary planning document, *House Extensions & Garages Design Guide 2005*, as a means of the application of consistency in the construction of domestic extensions.
13. I would agree that the document provides useful guidance on the basic design criteria which the Council would wish to see incorporated into extensions, acting as an expansion of saved Policies H15 and HD20 of the Harrogate District Local Plan 2001 (the Local Plan). However, I do not consider that the guidance provides a similar template for development within Conservation Areas. In this respect, I note that extensions are identified in *Annex B: Planning Policies and Designations* of the design guide, as needing to be sensitively designed to ensure that they do not adversely affect the special character of the conservation area. However, whilst I have had regard to the references to other development within the vicinity of similar type, I have not been provided with any detailed context to demonstrate that the proposal is directly comparable. In any event, I am satisfied that a blanket application of the design guidance would not be appropriate within a Conservation Area, where the merits of each proposal warrant careful and individual consideration.
14. I am satisfied that the proposed development would not be detrimental to the special qualities and character of the Nidderdale AONB. However, I conclude that the proposal would fail to preserve or enhance the character or appearance of the Fearby Conservation Area contrary to the requirements of s72(1) of the Act. Furthermore, the harm identified, albeit that I would conclude to be less than substantial, would not be outweighed by any demonstrable public benefits as required by paragraph 134 of the Framework. The proposal would conflict with saved Policies HD3, H15 and HD20 of the Local Plan, and Policy SG4 of the Harrogate District Core Strategy 2009. These policies seek to ensure that development is of a high quality of design, preserves or enhances the character or appearance of conservation areas, and that householder extensions are not detrimental to the character and appearance of the dwelling. In addition, given the great importance of the heritage asset, the proposal would be contrary to the core planning principles of the Framework, that require, amongst other things, the conservation of heritage assets in a manner appropriate to their significance.

Other Matters

15. The appellant has highlighted that the age of the property prevents an appropriate standard of modern family living as a consequence of the limited floor space and small rooms, and that without more space the family will be forced to move from the village in which they are established. Whilst I have sympathy for the plight in which the appellant finds them self, this is not a matter to which any more than limited supporting weight may be given, in the context of the harm which I have identified to the significance of the heritage asset. As a consequence, I am satisfied the benefit of the proposal would not outweigh the harm identified to the Conservation Area.

Conclusion

16. For the reasons given above, the appeal is dismissed.

M Seaton

INSPECTOR