



Appeal Decision

Site visit made on 14 May 2019

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/C2741/Y/19/3223063

39 Goodramgate, York YO1 7LS

- 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 Mrs Beverley Taylor against the decision of City of York Council.
 - The application Ref: 18/01168/LBC, dated 16 May 2018, was refused by notice dated 22 August 2018.
 - The works proposed are described on the application form as three, satin finish, black metal swan neck lights. Each fixed to the wooden board above the window at the front of the building.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). In addition, I have had special regard to the provisions of section 16(2) of the Act.
3. I note from the application and my observations on site that the application is retrospective. The three swan-neck lights have been installed on the frontage of property.

Planning Policy

4. The City of York Draft Local Plan Incorporating the 4th set of changes Development Control Local Plan (the DCLP) was approved for development control purposes in April 2005. It does not form part of the statutory development plan. In addition, The Publication Draft York Local Plan 2018 (the Draft Plan) was submitted for examination in May 2018, but does not form part of the statutory development plan because it has not yet been through the examination process.
5. Policy D5 of the Draft Plan states that proposals affecting a listed building or its setting will be supported where they preserve, enhance or better reveal elements which contribute to the significance of the building, help sustain a sustainable future for a building at risk and are accompanied by an appropriate heritage statement assessing the significance of the building. Harm to an element which contributes towards the significance of a listed building will be permitted only where this is outweighed by public benefits. Policy HE4 of the DCLP states that consent will only be granted for internal or external

alterations to listed buildings where there is no adverse effect on the character, appearance or setting of the building.

6. Neither policy forms part of an adopted development plan and consequently their weight is limited except where they are in accordance with the National Planning Policy Framework (the Framework). Policy HE4 was adopted by the Council for development control purposes before the inception of the Framework. Since the policy does not allow for a balanced judgement to be carried out by the decision-maker, stating only that consent will be granted where there is no adverse effect, the policy does not accord with guidance within the Framework. Therefore, little weight can be attributed to it in the determination of this appeal.
7. Policy D5 of the Draft Plan is generally compliant with the Framework as it does allow for a balanced decision to be made. However, it has not been examined and could be subject to some changes and therefore I attribute it only limited weight in determining this appeal.

Main Issues

8. The main issues are whether the proposal would preserve a Grade II listed building, 39 Goodramgate, York, and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the York Central Historic Core Conservation Area and the setting of nearby listed buildings.

Reasons

9. The appeal building was listed in 1971 and was originally built in mid-eighteenth century as a shop. It was re-fronted in the mid-nineteenth century with a nineteenth century shopfront, which was subsequently altered in the twentieth century. The property is constructed of orange-grey brick with Flemish bond and stone dressings. It has a timber shopfront and guttering and a pantile roof. The building is three storeys with a three-window front. The shopfront itself is framed in Doric pilasters with a plain fascia and a moulded cornice. The door to the shop and upper floors is recessed in the lobby to the left of the plate glass window frontage. The first floor windows are 12 pane sashes with painted sills and stone lintels.
10. The appeal site is situated in the York Central Historic Core Conservation Area which covers an extensive and complex townscape that creates the unique character of the City's historic core. It encompasses a compact and densely developed place based on the street plan which combines Roman, Viking and medieval elements with later Georgian and Victorian development. The appeal site is located within Character Area 10: The Medieval Streets where there is a high number of surviving medieval buildings.
11. Goodramgate is a relatively wide street within its historic context and has a more interrupted sense of enclosure than some other nearby medieval streets. This is derived from there being a number of relatively poor quality twentieth century buildings, including the adjacent property, No 35 Goodramgate. The mix of uses in the area, including many independent shops, cafes, restaurants and public houses creates a distinctive bustling character and a relaxed atmosphere which contrasts with other parts of the City Centre.

12. The adjoining properties Nos 41, 43 and 45 Goodramgate are Grade I listed buildings which date from around the fifteenth century with some early seventeenth century extensions to the rear. They are timber framed with frame and plaster infilling exposed on the front of No 45. No 41 has been re-fronted in painted brick in Flemish bond and No 43 in orange-mottled brick in Flemish bond. Given their close proximity and relationship to the street frontage which also includes the appeal site these are particularly sensitive to the works that have taken
13. On the opposite side of the street are the Cross Keys Public House No 34 Goodramgate which is a grade II listed building dated 1904 and also Nos 36, 38 and 40 which are also grade II listed. Although these properties do not form part of the frontage with the appeal site, they are nevertheless important in the wider historic context of this part of the city's historic core.
14. The appellant suggests that the three swan-neck fittings have been chosen to fit in with similar light fittings at The Snickleway Inn which is a Grade II* listed public house at 47 Goodramgate which was first listed in 1954. The appellant also comments that the fittings match those used at Caesar's Restaurant at Nos 27-29 Goodramgate which is grade II listed (first listed in 1983). Furthermore, my attention has been drawn to light fittings to the exterior of other listed buildings in the immediate vicinity of the appeal site which the appellant does not consider enhance the special architectural and historic interest of the buildings in question. However, other than drawing attention to other properties locally, it is notable that the appellant has not clearly stated why the light fittings would not harm the listed building.
15. The building is currently used as a café/restaurant and has a fascia sign and signage on the large glazed area of the shopfront as well as a painted projecting sign which is suspended by a metal bracket attached to the frontage brickwork at first floor level. The three black-finished swan neck lights have been fixed onto the painted band below the three first floor windows to the frontage above the shopfront and have black arched brackets.
16. The fittings are relatively bulky additions to the frontage of the building and protrude conspicuously forward of the moulded cornice to the fascia. They overlap the moulded cornice above the shop fascia and therefore relate poorly to the shop front and, in particular the moulded cornice which is an attractive and visually important historic and architectural feature. The design of the 3 lights demonstrates no evidence that consideration has been given to the appearance of the listed building and its surroundings and, being constructed with a black finish which contrasts with the pale colour of the shopfront, the fixtures are prominent, insensitively designed additions to the shopfront. They protrude forward of the front elevation of the property and as such are visually intrusive and incongruous features which attract attention.
17. Furthermore, given their bulk, design and protrusion, they are prominent and intrusive features which detract from public views along the frontage of Goodramgate, including views towards the adjacent listed buildings 41, 43 and 45 Goodramgate. Consequently, they detract from the wider conservation area, which includes a number of other listed buildings.
18. As stated above, in support of the appeal, my attention has been drawn to some other listed buildings in the area that already have similar swan-neck fittings or other types of external lighting. However, I do not know the

circumstances of those cases, the policies that applied to them at the time of their consideration or indeed whether they benefit from listed building consent. In any event I saw that some of those fittings serve to illustrate that unsympathetic fittings and lighting schemes do not preserve the listed buildings and the features of special architectural or historic interest they possess. Consequently, they also fail to preserve or enhance the character or appearance of the Conservation Area and.

19. Given the above, I find that the proposal would fail to preserve the special interest of the listed building, the significance of the Conservation Area and the setting of nearby listed buildings. Consequently, I give this harm considerable importance and weight in the planning balance of this appeal.
20. Paragraph 193 of the Framework advises that when considering the impact on the significance of designated heritage assets, great weight should be given to their conservation. It goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets. Given the poor relationship to the frontage of the listed building and the harm to the character and appearance of the conservation area, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
21. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant is of the opinion that the proposal would be beneficial because the lighting highlights the restaurant to pedestrians and enhances the advertisements. However, the existing signage enables the restaurant to be identified along Goodramgate and the existing signage applied to the extensive glazed element of the shopfront would be illuminated from lighting from within the building during the evening. As such it is quite easily identifiable by customers and passers-by.
22. Given the above and in the absence of any significant public benefit, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building, the character or appearance of the York Central Historic Core Conservation Area and the setting of nearby listed buildings. This would fail to satisfy the requirements of the Act, paragraph 192 of the Framework and conflicts with Policy D5 of the Draft Plan and HE4 of the DCLP.

Other Matter

23. The Guildhall Planning Panel have commented that the retrospective application should not simply be waived through. However, the fact that the works have taken place without permission is not a reason in itself to dismiss the appeal.

Conclusion

24. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

A A Phillips

INSPECTOR