
Appeal Decision

Site visit made on 6 August 2019

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 13th September

Appeal Ref: APP/G2713/W/19/3229964

The Old Brewery, Main Street, Helperby, YO61 2NS

- 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 Newton against the decision of Hambleton District Council.
 - The application Ref 18/02156/FUL, dated 13 July 2018, was refused by notice dated 22 March 2019.
 - The development proposed is a barn conversion to a single new dwelling. Erection of 2 detached dwellings and associated garaging and external works.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- (i) Whether or not the proposed development would preserve or enhance the character or appearance of the Brafferton and Helperby Conservation Area and preserve the character of the existing barn.
- (ii) The effect of the proposed development, by virtue of its design, on the character and appearance of the immediate area.
- (iii) The effect of the proposed development on the living conditions of the occupiers of the neighbouring property with particular respect to noise and disturbance.
- (iv) Whether or not the proposed development would accord with local housing need.

Reasons

3. The site is located within the Brafferton and Helperby Conservation Area which consists of the two conjoined villages. The main features are the wide cobbled main street and strong building frontages, along the main streets, consisting mostly of two-storey dwellings, of a variety of complementary architectural styles and sizes.
4. The Old Brewery holds a central location within the Conservation Area, fronting onto the Main Street of the village of Helperby. The proposed development site is to the rear of this property and is accessed via a driveway between The Old

Brewery and the neighbouring property, Woodlands Cottage. The site forms part of the large gardens to the rear of The Old Brewery. These gardens were originally part of the brewery site which contained the brewery workings. They now consist of formal gardens stretching up to a two-storey brick barn with garage. This forms the midpoint of the site, beyond this are unmanaged gardens, including walled gardens and a disused tennis court. Much of the site is surrounded by a high brick wall with a mix of residential housing set well beyond the boundary of the site. Within the garden there is also another small single storey property, known as Courtfield House, which is set level with the brick boundary wall and adjacent to the access drive.

5. The Local Planning Authority (LPA) has given harm to the character of the Conservation Area, the existing barn and area to the rear of the frontage as three separate reasons for refusal. For reasons of conciseness I will address all these issues under the heading of Character and Appearance.

Character and Appearance

- *Conservation Area and Barn*

6. The proposed development would result in the conversion of the existing barn into a 3-bedroom dwelling by demolishing the existing garage connected to this building and constructing a new residential extension to the rear of the barn. In addition, two 4-bedroomed dwelling houses, garages and driveways would be constructed to the rear of the site.
7. The construction of two 4-bedroom houses, garages and large new extension to the barn would undoubtedly result in a change to the character and loss of openness of the site. The scale and grouping of the new properties would lead to a much more enclosed and developed feel to the land. Resulting in noticeable harm to the character and appearance of this part of the Conservation Area. This would not preserve or enhance the sites former historical use.
8. At the present time the barn is not mapped on the Council's list of non-designated historic assets. However, I agree with the appellants and the LPA, who both accept that the barn is an historic feature which would be preserved and enhanced by conversion into residential use. Therefore, whilst I am unable to give it the full weight of a non-designated heritage asset, it can nonetheless be considered to contribute to the heritage of the area.
9. The issue is whether the larger extension is sympathetic to the historic character of the building. The view of this building from The Old Brewery House would remain almost unchanged which is welcomed. However, the rear and sides of the building would involve considerable alterations involving the loss of an existing window and creation of new windows and doors. Although the rear extension would be subordinate in height, it would still be substantial, being over half of the footprint of the existing building. Its length and overall size and character would detract from the significance of the barn, which would be dwarfed and rendered insignificant due to the new extensions.
10. While I appreciate that these extensions would not be visible from The Old Brewery House or the Main Street and would preserve this structure as a functioning building, they would compete with the host building and undermine its historical character.

- *The Immediate Area*

11. Notwithstanding the presence of other backland development in the locality, the proposed development would lead to the loss of the open character behind the built-up frontages of Main Street, Dunroyal and Bridge Street. This would be exacerbated by the scale and massing of the proposed development, leading to further erosion of the character of the immediate area.
12. Having regard to guidance in the Framework, paragraph 194 states that where the proposal would lead to less than substantial harm to a designated heritage asset, in this case the Conservation Area, this harm should be weighed against the public benefits of the proposal. I therefore address these matters below.
13. I have taken into consideration that the construction of 3 dwellings would bring some economic and social benefits. These include construction jobs, increased local spend and new homes boosting the supply of housing. However, these are extremely modest due to the small scale of the development. There is also the issue of whether these dwellings meet the housing needs of the village; this is a matter which I will deal with subsequently in this decision. The appellants also argue that the site is currently unsightly. However, whilst somewhat overgrown and untended, it still has the appearance of undeveloped garden land, which is in-keeping with its historic open character.
14. Therefore, I consider that the proposal would have a negative effect on the significance of a designated heritage asset and would result in less than substantial harm. Furthermore, this is not outweighed by the public benefits. I have a statutory duty under section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the Conservation Area, which these proposals fail to do.
15. The development would also detract from the character and significance of the barn's heritage. Consequently, this would be contrary to policy CP16 of the Hambleton District Council (HDC) Local Development Framework (LDF) Core Strategy 2007, policy DP28 of the HDC LDF Development Plan Document (DPD) 2008 and the Framework. These policies require the protection, enhancement and preservation of the character and appearance of the District's heritage.
16. The scale and massing of the development would fail to enhance and preserve the character and appearance of the immediate area. Therefore, it would fail to accord with HDC LDF Core Strategy policies (2007) CP1 and CP17 and policies DP10 and DP32 of HDC LDF DPD (2008). These policies require development to respect and enhance the historic features and local character of the area.

Living Conditions

17. The existing access is presently only used by The Old Brewery and Courtfield House. The construction of 3 additional dwellings with a total of 11 bedrooms, 3 double garages and associated parking spaces would undoubtedly increase the level of vehicular and pedestrian traffic. The evidence before me indicates that approximately 5 trips per day are associated with private houses, which in this case would equate to 15 vehicle movements in a day.
18. It was evident during my site visit that this was an extremely quiet area. Consequently, these additional vehicle movements would undoubtedly have a detrimental impact on the living conditions of Woodlands Cottage and

Courtfield House, which would be exposed to an increase in noise and light by the increase in traffic.

19. However, I do not accept that a possible increased level of pedestrian use of this access would harm the living conditions of these properties. It is extremely unlikely that the volume of foot traffic generated by these properties would cause an unacceptable level of noise and disturbance.
20. I note the appellants' comment that traffic would increase if the tennis court and barn were brought back into use. However, I have been supplied with little evidence that this would be likely and therefore give this little weight in my determination of this appeal.
21. Therefore, the increased levels of vehicular movement would not accord with the HBC LDF Core Strategy and LDF DPD policies CP1 and DP1. These policies require the protection and enhancement of amenity, in particular noise and disturbance.

Local Housing Needs

22. This development would result in the construction of two 4-bedroom houses and one 3-bedroom dwelling. This fails to take account of Hambleton District Council's Strategic Housing Market Assessment (2016). This identifies the need for 2 and 3-bedroom homes, particularly towards a need for 2-bedroom properties. Therefore, this fails to comply with policy DP13, 'Achieving and Maintaining the Right Mix of Housing' of the HBC LDF DPD, which requires development to meet the needs of the local community and take account of the Council's Housing Needs Study.
23. Following refusal of planning permission, the appellants have offered an amended scheme, which re-configures the internal layout into 2 and 3-bedroom houses. However, I am unable to accept this as the information has not been subject to formal consultation and may prejudice other interested parties. Furthermore, there are viability issues that would first need to be resolved between the LPA and the appellants. Therefore, it does not alter my decision.

Other Matters

24. I have taken into account representations concerning access, drainage, damage, village infrastructure and impacts on wildlife, but these are matters which do not affect my findings on the main issues.

Conclusion

25. For the reasons detailed above I conclude the appeal should be dismissed.

D Hilton-Brown

INSPECTOR