



Appeal Decision

Site visit made on 2 October 2019

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8th October 2019

Appeal Ref: APP/Y2736/Y/19/3231030

Reading Room Cottage, Langton, Malton, YO17 9QP

- 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 R Pearce against the decision of Ryedale District Council.
 - The application Ref: 19/00389/LBC, dated 29 March 2019, was refused by notice dated 21 May 2019.
 - The works proposed are construction of a dormer on the rear roof slope and alterations to internal layout.
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21 May 2019

Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the works given on the application form is: '*Construction of a dormer window on the rear roof slope to improve headroom in an existing bathroom area*'. In validating the application, the Council amended the description of the proposed works to: '*Erection of a dormer window to rear elevation roof slope and alterations to internal layout*', considering this better reflected the proposed shown on the submitted plans which also included internal works to form a ground floor bathroom, as well alterations to doorway openings on the first floor. The amended description formed part of the acknowledgement letter sent to the appellant on 08 April 2019 in which he was asked to contact the Council if he did not agree with the amended description. As no response was received the Council says consultation was undertaken on the basis of the amended description.
3. Furthermore, although the appellant has since stated that the application and appeal were made solely in respect of the dormer window and the formation of the bathroom area within it, for clarity and accuracy I have considered the appeal on appeal on the basis of the Council's amended description.

Main Issue

4. Although not included within the reasons for refusal, the Council's Officer report says the proposed ground floor bathroom would be acceptable. Further to my own observations, I am also satisfied that this particular element of the scheme (which is similar to a previously approved shower room in this location) would preserve the special architectural and historic interest of the listed building.
5. I therefore consider the one main issue is the effect of the proposed dormer window on the special architectural and historic interest of the Grade II listed

building, and on the character and appearance of the Langton Conservation Area (LCA).

Reasons

6. Reading Room Cottage is a Grade II listed building within the LCA. It is single-storey limestone building with a Welsh slate roof to the front and clay pantile roof to the rear. It has pointed casement windows typical of many of the estate cottages and former estate cottages in the village.
7. At the statutory level, Sections 16 (2) & 66 (1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* require the decision maker to have special regard to the desirability of preserving the building or its setting, or any features of special architectural or historic interest which it possesses. As the site lies within a conservation area, I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the area, in accordance with Section 72 (1) of The Act.
8. Paragraph 193 of the *National Planning Policy Framework* (the Framework) says when considering the impact of new development on the significance of a listed building, great weight should be given to its conservation (and the more important the asset, the greater the weight shall be). This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
9. Amongst other matters, Policy SP12 of the *Ryedale Plan-Local Plan Strategy* (LP) reflects National Policy and says proposals that will result in less than substantial harm to designated heritage assets will only be agreed where the public benefit of the proposal is considered to outweigh the harm and the extent of harm to the asset. Although the development plan's policies are not determinative in applications for listed building consent decisions, they are nonetheless a material consideration.
10. Reading Room Cottage is an attractive and distinctive building in a slightly elevated position on the north side of the village street. An area of open grassland to the west allows views of the gable end. Apart from the significance deriving from the aesthetic value of the largely unaltered and distinctive front elevation, it also extends to include its relationship with the distinctive 'estate' properties elsewhere in the village and its evidential value in illustrating how village education was organised in the past. The estate ownership has resulted in the use of untypical architectural detailing such as pointed gothic style windows, slate roofs and overhanging eaves. These are unusual in Ryedale where many village properties have pantile roofs and vernacular style casement or sash windows. Taken together they contribute greatly to the character and appearance of the LCA.
11. The building was altered and extended at the rear following a 2014 consent, and now has two floors of accommodation. This is not readily apparent externally except for a number of 'conservation type' rooflights on the rear roof slope. The 2014 scheme included a ground floor shower room; although this was not constructed and is now a utility room and wc. The current first floor bathroom (which was not part of the 2014 scheme) was shown as void space. The proposed dormer is intended to increase the somewhat limited headroom in this bathroom. It would have a pitched pantile roof and stone-fronted surround to a centrally placed casement window. As clarified by the appellant

the 'cheeks' of the dormer would also be of stone, with an area of lead flashing. The height of the dormer would be about 0.4m below the main ridge.

12. I accept that the dormer would not be readily visible from public viewpoints, and in any event, I consider that the rear elevations generally contribute little to the overall significance of Reading Room Cottage and the LCA generally. Indeed, at my site visit I noticed that other properties have been significantly altered at the rear, including a large flat roofed dormer at neighbouring Witham Cottage, (though I have no information as to whether that dormer predates the listing of the property or the designation of the LCA).
13. Nor do I agree with the Council that the dormer window would provide a readily recognisable pointer that counters the established external character of a single-storey school room. This would still remain unchanged and apparent from the front aspect and from a very restricted and glimpsed view from the open ground to the west.
14. However, the dormer's large scale, its wide proportions, the extensive stonework surrounding the window, and its position on the alignment of the original back wall, would all result in a somewhat jarring and prominent new addition above the existing slope. The overall design would also be at odds with the local vernacular tradition whereby dormers are typically narrow and set well down from the ridge and above eaves level. As such, it would have a negative impact on the character and appearance of the building, adding further domestication and clutter to this elevation. The Framework makes it clear that significance can be harmed or lost through the alteration of a heritage asset, and for the reasons given above I consider the proposal would result in harm being caused to the significance of this Grade II listed building and to the character of the LCA.
15. However, whilst the harm to the listed building and LCA caused by the proposed dormer window would be less than substantial in Framework terms, it would nonetheless be significant, and any harm caused to designated heritage assets is a matter that attracts considerable weight and importance. In such situations Framework Paragraph 196 says this harm should be weighed against the public benefits of the proposal.
16. I am conscious that the dormer would significantly improve headroom and practicality in the bathroom, although as stated by the Council, this room does not benefit from listed building consent. However, leaving aside whether the appellant's enjoyment of the property can properly be regarded as a public benefit, it appears to adequately function as a dwelling already. It has not been shown that its continued occupation is in any way dependant on the proposal, particularly as consent has already been granted for a ground floor shower room. Other means may also be possible, including the slightly larger ground floor bathroom shown on the submitted plans, and to which I have referred above. With that in mind, what public benefits there might be are not sufficient to outweigh the harm they would cause.

Other Matters

17. The appellant suggests a flat lead-roofed design as an alternative to the pitched-roof stone surrounded dormer. However, the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially that which was considered by the Council and on which

interested people's views were sought. In this case I consider this option would make the original proposal so changed that to grant consent on this basis would deprive those who should have been re-consulted on the changed proposal the opportunity for further consultation. Nor, in the light of the advice on conditions in the *Planning Practice Guidance*, would it be reasonable to impose a condition as this would fundamentally change the nature of the proposal.

18. The ground floor bathroom and other internal works appear to be integral parts of the same scheme and functionally inter-dependant. As such, I do not consider they are severable from the totality of the works applied for and I am thus unable to issue a split decision. Therefore, the appeal as an entity must fail.

Conclusion

19. In summary, I conclude that the proposal would cause less than substantial harm to the significance of this Grade II listed building and would not preserve its special architectural or historic interest. For the same reasons it would fail to preserve or enhance the character and appearance of the Langton Conservation Area. It has not been shown that public benefits would outweigh this harm, and so the proposal would conflict with the relevant provisions of the 'Act', National policy in the Framework, and LP Policy SP12.
20. Therefore, for the reasons given above, and having taken into account all other matters raised, I conclude that the appeal should be dismissed.

Nigel Harrison

INSPECTOR