



Appeal Decision

Site visit made on 22 January 2020

by A A Phillips BA(Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th May 2020

Appeal Ref: APP/C2741/D/19/3224523

1 Church View, The Green, Skelton, York YO30 1XU

- 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 Denise Heslington against the decision of City of York Council.
 - The application Ref: 18/01458/FUL, received by the Council on 2 July 2018, was refused by notice dated 19 December 2018.
 - The development proposed is a two storey and single storey rear extension and canopy extension to front.
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Decision

1. The appeal is dismissed.

Planning Policy

2. 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.
3. Policy D4 of the Draft Plan relates to development in conservation areas where developments will be supported where they preserve or enhance the special character and appearance of conservation areas and respect important views, among other objectives. 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, among other objectives. Harm to an element which contributes towards the significance of a listed building will be permitted only where this is outweighed by public benefits.
4. Policy HE2 of the DCLP relates to development in an historic location, including within conservation areas and in locations which affect the setting of listed buildings and states that in locations which effect the setting of listed buildings, development proposals must respect adjacent buildings, open spaces, landmarks and settings and have regard to local scale, proportion and materials. Proposals will be required to maintain or enhance spaces, views and landmarks which contribute to the character or appearance of the area. HE3 states that within conservation areas proposals for development will only be

permitted where there is no adverse effect on the character and appearance of the area. Policies D1 and D11 of the Draft Local Plan are more general design related policies, as are Policies GP1 and H7 of the DCLP.

5. None of the policies identified in the Council's reasons for refusal form part of an adopted development plan and consequently their weight is limited. The DCLP policies were adopted by the Council for development control purposes before the inception of the National Planning Policy Framework (the Framework). Since HE2 and HE3 do 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 policies do not accord with guidance within the Framework.
6. Policies D4 and D5 of the Draft Plan are generally compliant with the Framework as they allow for a balanced decision to be made. These more general design policies identified by the Council accord with the thrust of the Framework in seeking to achieve high standards of design for new development. Therefore, in considering the proposal I am mindful that while limited weight can be afforded to those policies the objectives of some accord with the Framework which is afforded significant weight.

Main Issues

7. The main issues are the extent to which the proposal would preserve or enhance the character or appearance of the Skelton Conservation Area and the effect on the setting of a grade I listed building, St Giles Church.

Reasons

8. The appeal building is an end of terrace two storey dwelling which has been constructed of brick with a slate roof. It has a centrally placed chimney which bisects the roof line. The property is situated behind a verge to the west of The Green. It is my understanding that the property is a late nineteenth century building and appears to have been developed from a four room dwelling, originally having two rooms upstairs and two rooms downstairs. A rear kitchen extension was added in the late 1970s and a rear porch added around 1980. The existing bay windows also date from the late 1970s when it is assumed that the flat roof canopy above them was also added. The windows have also been replaced in the late twentieth century and are currently UPVC framed. The dwelling is located within a relatively large garden area at the corner of The Green and Church Lane.
9. The dwelling is situated within the Skelton Conservation Area and within the setting of St Giles Church, a Grade I listed building which is located on the opposite side of The Green and is separated from the appeal property by the church yard. The existing dwelling and its well-established garden make a positive contribution to the character and appearance of the Skelton Conservation Area and the setting of the Grade I listed church.
10. The site is situated in the Skelton Conservation Area which was designated in 1973 and includes The Green, Skelton Hall, Skelton Manor and St Giles Church which form the historic core of the village. The typical medieval pattern of agricultural activity in the area can be traced in the long and narrow plot boundaries which extend back from The Green, which includes the appeal site. The topography and street pattern, varied building forms and treed setting give

the Conservation Area an attractive and distinctive rural and restful character which provides relief from parts of the rest of the village which are more suburban in character. The focal point of the historic part of the village is The Green which is mainly an undulating grass mound with mature trees which provides a setting for St Giles Church. The Green provides an important setting for St Giles Church with its attractive railings. The attractive terrace of cottages of which the appeal site is part flanks the western side of The Green with, in contrast, individual properties set within their own walled grounds. The variety in this relationship is an important feature of the Conservation Area but the properties are unified by the trees, boundary walls and building materials, creating a flow between the different parts of the historic village core.

11. The Church of St Giles was listed in December 1986 and dates back to around 1240, with restorations by Henry Graham between 1814 and 1818 and in 1863 by Ewan Christian. The church was probably built by the masons of the south transept of York Minster. It is a small church, but, nevertheless a foremost example of thirteenth century building work in the region. The materials are magnesium limestone and Westmoreland slate. It is considered to be a particularly fine and complete example of a thirteenth century church. As set out above The Green provides an important setting for the church which is situated adjacent to the attractive treed village green and within a churchyard at the heart of the village. The relatively open setting of the church allows it to be a visually prominent feature within the quintessential English village setting. The relationship of the nearby buildings and the spaces between the buildings are also important and significant contributors to the setting of the church.
12. The Skelton Village Design Statement 2008 identifies the special character of Skelton, noting key features to be its setting, layout and architecture. It sets out that these are the features which should be protected for future generations. Design guidelines seek to preserve the character and appearance of the Conservation Area and state that infill developments and extensions should respect the character of the surroundings, among other objectives.
13. The existing extensions to the property would be replaced by a part two and part single storey extension. The property is at the end of a terrace of dwellings which overlook the important central open space within the village known as The Green and is seen in public views from the setting of St Giles Church, including the church yard. The proposed extension would have a similar length to the existing cottage and, although at my visit I observed a two storey rear extension to the adjoining property, No 2 Church View, the overall massing of that rear extension is reduced by the roof form which sweeps down to a single storey eaves level adjacent to the boundary with No 1.
14. The appellant contends that the proposal has been carefully designed to blend into the local context and would be read as a subservient addition. However, the overall massing and scale of the proposal would dominate the host property and would appear as a visually incongruous feature due to it being read as a disproportionate addition to the existing modest and simple cottage. It would fail to be subservient to its host. As such a large and dominant extension, it would be read in its wider historic context and would detract from public views of the property in the Conservation Area and the setting of the nearby Grade I listed building. Although the mass of the extension would be relieved to a degree through the use of two storey and single storey elements and pitched

roof forms, it would nevertheless constitute a disproportionate and incongruous addition. The appellant has also stated that the existing rear extensions are modern and have no heritage significance. Whilst that may be the case, it does not provide satisfactory justification for a large and dominating rear extension as proposed.

15. The proposal would leave a substantial garden area in place, but it would compromise the established historic long and narrow plots which are an important feature in this part of the Conservation Area and be harmful to the distinctive rural character of the locality. The relationship between buildings and spaces in the Conservation Area and the distinctive flow between the different parts of the village would be compromised by such a large extension which detracts from the character of the host property and its immediate surroundings. Furthermore, the proposal would disrupt the relative openness of this part of the village which is important for the setting of St Giles Church.
16. There is no dispute between the main parties with respect to the acceptability of the proposed canopy and I concur with that view.
17. Given the above, I find that the proposal, taken as a whole, would fail to preserve the character and appearance of the Conservation Area and the setting of St Giles Church thereby harming its significance.
18. 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 as I have found here.
19. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal. The appellant does not advance any particular public benefits of the scheme; however, I acknowledge that it would result in an upgrading of the existing housing stock and there may be some limited local economic benefit through construction activity. Given the above and in the absence of any significant public benefit, I conclude that, on balance, the proposal would fail to preserve or enhance the, the character or appearance of the Skelton Conservation Area and would harm the setting of St Giles Church. This would fail to satisfy the requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, paragraph 192 of the Framework and conflicts with Policies D1, D11, D4 and D5 of the Draft Plan and Policy GP1 of the DCLP.

Conclusion

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

A A Phillips

INSPECTOR