The Planning Inspectorate

Appeal Decision

Site visit made on 1 June 2020

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 June 2020

Appeal Ref: APP/C2708/W/19/3239506
Bowerley House, New Street to Langcliffe Road, Settle BD24 9LY

- 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 Peter Wales against the decision of Craven District Council.
- The application Ref 2019/20215/FUL, dated 18 February 2019, was refused by notice dated 20 May 2019.
- The development proposed is described as "Proposed subterranean Eco-dwelling, car port and solar array, in the grounds of The Bowerley, Langcliffe."

Decision

1. The appeal is dismissed.

Procedural Matter

2. The Craven Local Plan (CLP) was adopted on 12 November 2019 and replaces the Craven District (Outside the Yorkshire Dales National Park) Local Plan. All parties have had the opportunity to comment on this matter and I do not find that parties have been prejudiced. My assessment of the appeal proposal will therefore be against the policies of the CLP.

Main Issues

3. The main issues are the effect of the proposal on trees and whether the proposal would preserve or enhance the character or appearance of the Langcliffe Conservation Area, the Settle – Carlisle Line (Hellifield to Langcliffe) Conservation Area and the surrounding area.

Reasons

Trees

4. A number of trees surround the appeal site and would be in close proximity to the proposed development. These trees are visually prominent in the surrounding area and significantly contribute to the visual amenity of the area.

5. An Arboricultural Survey by Georgina Tearne (AS) has been submitted in support of the proposal. The AS indicates that the proposals include earth mounding to effectively hide the property below ground, and to increase soil levels within the Root Protection Areas (RPAs) of the trees to be retained would be detrimental to their health and should be avoided. The AS further states that no soil/ground level changes should occur within the areas within the tree protective fencing.

6. I note that the Council's Tree Officer has not produced a report on the proposals. Nevertheless, the Council's Tree Officer has indicated significant concerns over the health of the existing trees from the proposed development.

7. Whilst I note that the AS states that "*it is felt that the essence of the project can be achieved without encroaching towards the trees".* The absence of convincing evidence that the proposed dwelling, in particular the levels of the proposed mounding, can be constructed within the RPAs of the trees, there is considerable doubt in my mind as to whether the proposed building can be adequately constructed without harming surrounding trees.

8. On the evidence that is before me, I am not convinced that the proposed dwelling could be constructed without causing harm to surrounding trees. The proposed development would therefore be contrary to Policy ENV3 of the CLP which seeks development to respond to and have an appreciation of natural environmental features.

Conservation Areas and surrounding area

9. The appeal site is described as been located partially within the Langcliffe Conservation Area (LCA), abutting the Settle-Carlisle Line (Hellifield to Langcliffe) Conservation Area (SCCA) and adjoining the Yorkshire Dales National Park (YDNP).

10. In accordance with the duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 I am required to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area. Moreover, paragraph 193 of the Framework states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.

11. The appeal site is set within the landscaped grounds of the Bowerley, a mid-19th Century gentry house, which is currently divided into a number of residential units. There are also a number of existing buildings on the site including a shed/toilet building, a greenhouse and a building described as an "eco-house". The LCA and SCCA, within the immediate area of the appeal site, is characterised by rolling countryside with sporadic built development including the dissection by the railway line. In my view the detached location of Bowerley and its landscaped grounds of variant levels with open countryside beyond contributes to the significance of the LCA and SCCA in the area surrounding the appeal site.

12. The proposed development would be built mainly within the existing topography of the site. Some mounding is proposed which would alter the shape of the land however, the proposal would respect the existing levels and not appear overly prominent within the surrounding landscape or be detrimental to the form of the natural setting. A lantern style pyramid atrium is also proposed along with solar arrays and a car port. These would be sensitive in scale and not visually intrusive, particularly compared to the existing buildings which occupy the site.

13. The proposed west elevation, which is predominantly glazed, would be visible but restricted to views mainly from the south and west, with many of these views being long distance or fleeting views from passing trains. Given the

location and setting of the proposed west elevation with the backdrop of the landscaped grounds and existing trees, the proposal would not be bulky or dominate the surrounding area or have an adverse effect on the landscape setting. Concerns are raised regarding light pollution, particularly at night-time, from the proposed property however I do not consider this would be too dissimilar to other residential properties which are scattered across the landscape in the surrounding area.

14. I have had regard to the Council's statement of case including the Craven District Outside the Yorkshire Dales National Park and Forest of Bowland Landscape Appraisal 2002 and comments from local residents, the Council's Heritage Consultant and the Yorkshire Dales National Park Authority. However, for the reasons given above, I find that the proposal would not be an intrusive feature within the surrounding area and would not unduly harm the character, appearance and setting of the LCA, SCCA and YDNP.

15. Consequently, I find that the proposal would preserve the character and appearance of the LCA, SCCA, YDNP and surrounding area. The proposal would not be contrary to the objectives of Policies ENV1 and ENV2 of the CLP which seeks to support proposals that would preserve or enhance the character of a Conservation Area and respect the landscape character of an area.

Other matters

16. I have had regard to the appellants statement of case and other representations made on the proposals which include local support from some residents, environmental benefits of the scheme, sustainable location of the site, reference to an extant permission for an 11th dwelling on the site, commercial development in the area and traffic on surrounding roads. I note that the appellant is dissatisfied with the Council and the application process which includes pre-application advice, inaccurate description of the site location and interpretation of the National Planning Policy Framework relating to heritage statements. I have given careful consideration to all these matters, but they do not lead me to a different overall conclusion on the main issues.

Conclusion

17. I have found that the proposal would preserve the character and appearance of the LCA, SCCA, YDNP and surrounding area. However, this, along with all other matters and benefits raised, do not outweigh the harm I have identified with regards to trees and the conflict with the CLP.

18. I conclude that for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR