
Appeal Decision

Site visit made on 13 August 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 4 September 2020

Appeal Ref: APP/G2713/W/20/3246757

Romanby Court, High Street, Northallerton DL7 8PG

- 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 Arkgrove Limited against the decision of Hambleton District Council.
 - The application Ref 19/01995/FUL, dated 23 September 2019, was refused by notice dated 24 December 2019.
 - The development proposed is the erection of a glazed canopy over courtyard.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a glazed canopy over courtyard at Romanby Court, High Street, Northallerton DL7 8PG in accordance with the terms of the application Ref: 19/01995/FUL, dated 23 September 2019 subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans; Proposed Canopy Layout – Drawing Number 1741/112A, East Elevation – Drawing Number 1741/113
 - 3) No materials which are to be used in the construction of the development hereby permitted shall be used on site until samples and/or details of such materials have been submitted to and approved in writing by the Local Planning Authority. The relevant works shall be carried out in accordance with the approved details and retained as such thereafter.
 - 4) No lighting shall be installed other than in complete accordance with a lighting scheme that has previously been submitted to and approved in writing by the Local Planning Authority. The lighting scheme shall include a layout plan with beam orientation and schedule of equipment in the design (luminaire type, mounting height, aiming angles, and luminaire profiles) and shall detail any measures to be taken for the control of any glare or stray light. Any lighting installation shall be carried out in accordance with the approved details and be retained as such thereafter.

Main Issues

2. The main issues are 1) whether the development would preserve or enhance the character or appearance of the Northallerton Conservation Area, 2) the

effect of the proposed development on the setting of listed building, 139 High Street, and 3) the effect of the proposed development on the living conditions of the occupiers of neighbouring properties with particular regard to light and noise.

Reasons

Conservation area

3. The appeal site is a courtyard area behind Northallerton High Street. It is enclosed by two storey buildings on all sides and contains a seating area that is surrounded by ground floor retail and commercial units. Planning permission has been granted to use the first-floor units for residential purposes, however it was unclear at the time of my site visit if this use has been implemented. Regardless, there are windows within the first-floor units that overlook the courtyard area.
4. The site is within Northallerton Town Centre that contains a wide range of retail, commercial and leisure uses. The site provides a pedestrian link from the High Street to the supermarket to the rear. The site is located within the Northallerton Conservation Area that is characterised by its predominantly town centre uses that stretch along the High Street. The central marketplace, Town Hall and square, and variety of building and plot styles and sizes form key features of the conservation area.
5. The appeal site is formed by one of the historic burgage plots on the High Street which characterises the medieval street pattern of the town centre. The legibility of this evolution is a positive feature of the conservation area. Although the proposal would cover the space, owing to the retention of the length and width of the space and the concentration of glazing to be used, the legibility of the historic plot form can still be recognised and appreciated.
6. The location and design of the canopy, in an enclosed courtyard behind the High Street, means it would not form a prominent feature in the conservation area. It would not be visible from the High Street and therefore would not detract from the variety of building styles and roof forms that are prevalent in the High Street. From within the site, the roof forms of the buildings surrounding the site would be partially obscured, however the canopy would sit beneath them and they would remain visible in part. I find that this partial obscuring of the roofscape within the site would not cause harm.
7. Whilst the character of a conservation area encompasses more than its visual aspect, I consider that due to the location of the site within an active town centre environment, any subsequent use that the canopy would facilitate, such as outdoor socialising with associated noise, would not cause harm to the character of the conservation area. Similarly, appropriate lighting, the details of which can be secured by condition, would not be out of place in this town centre location.
8. I therefore find that the proposed glazed canopy has a neutral impact on, and thereby preserves, the character and appearance of the Northallerton Conservation Area. Thus, it complies with Policies CP16 and CP17 of the Hambleton District Council Local Development Framework Core Strategy (2007) and Policies DP28 and DP32 of the Hambleton District Council Local Development Framework Development Plan Document (February 2008).

Collectively, these policies seek, amongst other things, to ensure that proposals for development either preserve or enhance conservation areas.

9. The proposal would also comply with the National Planning Policy Framework (the Framework) (2019), which requires, amongst other things, that development is of high-quality design, sympathetic to local character whilst sustaining and enhancing the significance of heritage assets.
10. In reaching my findings, I have paid special attention to the desirability of preserving or enhancing the character and appearance of the conservation area in accordance with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

Setting of listed building

11. No. 139 High Street is located towards the south-west corner of the courtyard. It is a grade II listed building. The special interest and significance of this building is primarily informed by its historic frontage and its contribution to the appearance of the High Street.
12. Section 66 (1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('the LBCA Act') requires special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses when dealing with planning applications. Paragraph 193 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation; the more important the asset, the greater the weight should be.
13. The rear of the building is attached to the two-storey buildings of the southern section of the courtyard. Its second floor and roof are visible above the two storey buildings of the courtyard. The elements of the building that are visible from the appeal site are considered to be of greater insignificance than its frontage, that would be unaffected by the proposal. Thus, the appeal site in its current form makes a limited contribution to the setting and significance of the listed building. As a result, I find that due to its design and siting, the appeal proposal would have a neutral impact on the setting of the listed building.
14. Therefore, the proposal would preserve the special interest and setting of 139 High Street and would not result in harm to the significance of this listed building. It would comply with Policies CP16 and CP17 of the Hambleton District Council Local Development Framework Core Strategy (2007) and Policies DP28 and DP32 of the Hambleton District Council Local Development Framework Development Plan Document (February 2008). Collectively, these policies seek, amongst other things, to ensure that proposals for development either preserve or enhances listed buildings and their settings.
15. The proposal would also comply with the Framework which requires, amongst other things, that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Finally, it would preserve the setting of the listed buildings as required by Section 66(1) of the LBCA Act.

Living conditions

16. The appeal site is surrounded at first floor level by consented residential properties. The proposed canopy would be visible from the rooms of these properties which overlook the courtyard.
17. In relation to light, there are no lighting details before me. I accept that in certain circumstances inappropriate lighting has the potential to cause harm to living conditions, however I consider that in this instance lighting that does not have an unacceptable impact on living conditions would be attainable. A suitably worded condition requiring the submission of a lighting strategy would ensure that any lighting scheme does not cause harm to living conditions. In this town centre context I find that lighting of the space would not be inappropriate and is likely to occur regardless of the proposal before me.
18. In relation to noise, the retail and commercial uses of the ground floor, which are not part of this appeal, comprise either existing or consented A1/A2/A3/A5 uses. Reference is made to a condition controlling the opening hours of those premises that were granted planning permission as part of the redevelopment of the courtyard. One such condition restricts the use of the courtyard to no later than 9pm. It is therefore not in dispute that the courtyard can be used until 9pm at night, and whilst the proposed canopy may allow for use of the courtyard during inclement weather, it would not be at any later time. It is also likely that by enclosing the courtyard this would reduce the breakout of noise than an otherwise uncovered courtyard. In any event, I do not consider the canopy would worsen the current situation. I am also mindful that there will inevitably be some noise in town centre locations and residents will expect this to be the case.
19. I therefore conclude that subject to the implementation of an appropriate condition in relation to lighting, the proposed development would not have an unacceptable impact on the living conditions of the occupiers of neighbouring properties with regard to light and noise. It would therefore comply with Policy DP1 of the Hambleton District Council Local Development Framework Development Plan Document (February 2008). This policy seeks to ensure that development proposals must adequately protect amenity, particularly with regard to, amongst other things, noise and light pollution.

Other Matters

20. As I have found that the proposal would not cause harm to the significance of any designated heritage assets, it is not necessary for me to consider any perceived public benefits of the proposal.
21. Reference is made by the Council's Environmental Health Officer that the internal layout plans are different to those as approved under a previous planning application. The layout of the previous scheme is not before me. I am not provided with any evidence of any changes nor are any such changes pertinent to the Council's case or the main issues associated with the proposed canopy.

Conditions

22. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.

- 23. It is necessary to impose a planning condition requiring the submission of details/samples of materials. The reason for this condition is in the interests of the character and appearance of the conservation area.
- 24. It is also necessary to impose a planning condition requiring the submission of a scheme for lighting, incorporating specific lighting details. Such a condition is necessary in the interest of the living conditions of occupants of the residential properties above the courtyard.
- 25. The Council's Environmental Health Officer requested a condition requiring submission of the formally approved alternative fire engineered solution report under the Building Regulations 2010, Approved Document B. Such a condition would require compliance with other regulations and is therefore not necessary.

Conclusion

- 26. For the reasons outlined above, and taking into account all other matters raised, I conclude that the appeal should succeed.

A M Nilsson

INSPECTOR