



Appeal Decisions

Site visit made on 2 September 2020

by J M Tweddle BSc(Hons) MSc(Dist) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 November 2020

Appeal A - Ref: APP/G2713/Y/20/3254087

Walkers Ground, Church Street, Topcliffe YO7 3PA

- 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 Mrs J Collyns against the decision of Hambleton District Council.
 - The application Ref 19/02552/LBC, dated 29 November 2019, was refused by notice dated 11 May 2020.
 - The works proposed are demolition of garages and construction of new dwelling.
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Appeal B - Ref: APP/G2713/W/20/3254028

Walkers Ground, Church Street, Topcliffe YO7 3PA

- 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 J Collyns against the decision of Hambleton District Council.
 - The application Ref 19/02551/FUL, dated 29 November 2019, was refused by notice dated 11 May 2020.
 - The development proposed is demolition of garages and construction of new dwelling.
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Decision – Appeal A

1. No action, for the reasons set out below.

Decision – Appeal B

2. The appeal is dismissed.

Procedural Matters

3. With regard to Appeal A, the appeal site does not include any listed buildings and there is no evidence before me to suggest that the existing garages would amount to curtilage listed buildings. The neighbouring house is a Grade II Listed Building, named as Holmleigh on the National List, but now known as Walkers Ground. The Council are of the view that the proposed dwelling would be an extension to the Listed Building which would require listed building consent.
4. In this regard, I am mindful that section 7(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) states that subject to the following provisions of this Act, no person shall execute or cause to be executed any works for the demolition of a listed building or for its alteration or extension in any manner which would affect its character as a building of special architectural or historic interest, unless the works are authorised.
5. The appellant has advised that the Listed Building would not be altered in any way, with the proposed dwelling merely abutting the listed building and a strip

of flashing let into the south facing gable elevation. Consequently, they are of the view that listed building consent is not required.

6. I share the appellant's view over this matter as it cannot be the case that merely because a new building would abut a listed building with some minimal contact that this would routinely amount to works requiring listed building consent. In reaching this view, I am mindful that the proposal would result in a freestanding independent building and therefore it cannot reasonably be described as an extension to the Listed Building. The proposal would involve minimal disturbance to the gable elevation of the Listed Building to allow for the roof flashings. However, given the very limited scope of this activity, this would not materially affect its special character.
7. That being the case, I find that the proposal does not constitute works for the demolition, alteration or extension of a listed building in a manner that would affect its character as a building of special architectural or historic interest. Accordingly, what is proposed does not amount to works requiring listed building consent and therefore no action is required on Appeal A.

Main Issue

8. With regard to Appeal B, the main issues are:
 - Whether the proposal would preserve or enhance the character or appearance of the Topcliffe Conservation Area, along with its effect on the setting of the adjacent Grade II Listed Building; and,
 - The effect of the proposal on highway safety, with particular regard to parking arrangements.

Reasons

Special Interest and Significance

9. The Topcliffe Conservation Area (the CA) is predominantly characterised by a tight urban grain of 18th and 19th century traditional buildings that are generally constructed from red brick with pantile roofs. The CA is focused on the historic core of the village with its significance in part derived from the traditional form and character of the built environment with the variation of detached, semi-detached and short terraced rows providing visual interest and reflecting the historic growth of the settlement.
10. Walkers Ground¹ is a Grade II Listed Building to the immediate north of the appeal site and dates from the mid-18th century, with 19th century alterations. The building is a modest two-storey semi-detached dwelling constructed from red brick under a pantile roof. Its special interest is to some extent evident in its traditional design features of three bays arranged around a central six panel door with stone surround including keystone and brackets supporting a stone cornice. This is flanked by canted bay windows with stone sills. Its historic sliding sash windows and some decorative stonework to the bay windows have been removed since its listing, but the building retains a well-proportioned arrangement of openings providing a pleasant symmetrical composition.
11. The Listing Description includes the annotation "GV", meaning 'group value' and indicating that to a degree its significance and special interest resides in

¹ Included on the statutory list as 'Holmleigh'

the contribution the building makes to the surrounding area. Indeed, its form and traditional appearance, including the composition of its structural openings and harmony of its architectural detailing, contribute considerably to the quality of the townscape, and therefore the character and appearance of the CA. As such, the buildings and land surrounding Walkers Ground, including the appeal site, form part of the setting of the Listed Building from which its historical and architectural significance can be appreciated.

12. There is no character appraisal for the CA and the appeal site is not identified as a local green space or a sensitive site that warrants special protection. I saw that the site consists of two relatively modern garages which currently provide parking facilities for Walkers Ground. The garages are in a reasonable condition and while they are of no architectural or historic interest, they are visually inoffensive, making a neutral contribution to the CA and setting of the Listed Building.

The Appeal Scheme

13. The appeal proposal would see the existing garages demolished and replaced with a two-storey dwelling abutting the south facing elevation of Walkers Ground. It would be stepped down in height and incorporate a pitched roof covered with pantiles, red brick elevations with dentil coursing to the eaves and stone tabling to the gable.
14. The property's main entrance would be via a six-panel solid timber door off-set to the right hand side of the front of the property and alongside two open integral garages providing off street parking provision for both Walkers Ground and the appeal proposal. Living accommodation would be over the garages at first floor level with conservation style rooflights facilitating three bedrooms in the roof space.

The effect of the proposal

15. Despite the use of a sympathetic suite of materials, some complementary architectural detailing, its positioning and subservient scale, the proposal would be an overly contrived design, centred around meeting the parking requirements of the development, with the two garage openings dominating the principal elevation. These openings would appear as incongruous and prominent voids in the building that would be at odds with, and harmfully detract from, the traditional form and character of the surrounding buildings along Church Street, most of which have well-proportioned windows to their principal elevations at ground floor.
16. As a result, the proposal would fail to articulate or complement the architectural characteristics of the neighbouring Listed Building and would instead appear as a discordant contrast to Walkers Ground's pleasing symmetrical composition and well-proportioned openings. In doing so, the proposal would be harmful to the setting of the adjacent Listed Building, thereby diminishing its historical and architectural significance. Thus, the proposal would fall short of the high standards of design required by the National Planning Policy Framework (the Framework) as it would not be sympathetic to local character and history and would fail to take the opportunity to improve the quality of the surrounding area.
17. The appellant accepts that the lack of garage doors is detrimental to the design and they are of the view that this would cause 'slight harm' to the CA and the

setting of the Listed Building. They consider that this would be outweighed by the benefit of removing the existing garages, which in their view are incongruous and detract from the surrounding area. However, for the reasoning I have set out above, I must disagree. It is the dominance of garages on the proposed elevation, rather than a more balanced and traditional pattern of fenestration, that would result in a discordant design that would be harmful to, and would fail to respect, its surroundings.

18. My attention has been drawn to the planning history of the appeal site which includes a grant of planning permission in 2013² for the erection of a dwelling. I also note that in 2018 a planning application³ was refused on highway safety grounds and this was subsequently subject to an appeal that was dismissed⁴. At that point, other than a lack of parking provision, the Council raised no concerns with the design of the proposed dwelling. Regardless, the design of the current proposal differs from these previous schemes, therefore I have considered the appeal on its own merits.
19. Consequently, I find that the proposal would be harmful to the surrounding area and therefore it would neither preserve nor enhance the character or appearance of the CA, and it would fail to preserve the setting of the adjacent Grade II Listed Building, harming its overall significance. Therefore, I find the appeal scheme to be in conflict with Policies CP16 and CP17 of the Hambleton Core Strategy Development Plan Document (2007) (the CS) and Policies DP28 and DP32 of the Development Policies Development Plan Document (2008) (the DPDPD). Taken together, amongst other things, these policies support development proposals that preserve natural and man-made assets, including the conservation of historic heritage; require developments to be of the highest quality of design; and, seek to preserve listed buildings and their settings.
20. The harm to the CA and setting of the Listed Building would be 'less than substantial' in the terms set out in paragraph 193 of the Framework as it would only be appreciable from its immediate surroundings. Accordingly, the Framework requires the harm to be weighed against the public benefits of the proposal, which I return to in my overall planning balance below.

Highway Safety

21. The site currently provides parking provision for Walkers Ground in the form of the two garages and a small area of forecourt. The shallow depth of the forecourt is such that when a vehicle is parked here it overhangs the pedestrian footway, thereby displacing pedestrians onto the road to the detriment of their safety. I observed this arrangement and its consequent effect during my visit.
22. Notwithstanding the debate over the ownership of the forecourt, the proposal would provide four off-street parking spaces in the form of two separate tandem arrangements via two long integral garages in the ground floor of the proposed dwelling. Two of the four spaces would serve the proposal with the other two serving Walkers Ground.

² LPA Ref. 12/01093/FUL

³ LPA Ref. 17/01321/FUL

⁴ Ref. APP/G2713/W/18/3216363

23. The Council's parking standards⁵ state that three and four bedroom houses in market towns require two spaces each and two and three spaces, respectively, in the rural area. Although the standards are only interim guidance, a minimum requirement of two spaces for each property at this location seems reasonable.
24. The Highway Authority offer no objection to the proposed parking arrangements but note that the length of the tandem parking spaces would fall slightly short of the required standards. To address this, and prior to the determination of the planning application, the appellant provided a revised drawing omitting the garage doors and thereby allowing parked vehicles to overhang the entrance to the integral garages.
25. Accordingly, I see no reason to reach an alternative view to that of the Highway Authority, as the proposal would achieve the required parking standards to serve the two dwellings. Moreover, the proposed parking arrangement, being stepped further into the site, would be likely to reduce vehicles regularly overhanging the pedestrian footway and result in a modest improvement to highway safety. Furthermore, from my observations, which I appreciate are only a snapshot in time, the street did not appear to be heavily parked and therefore any occasional visitor parking could be adequately accommodated on the street. No evidence has been presented to suggest otherwise.
26. To conclude on this main issue, the proposal would not jeopardise highway safety, with particular regard to parking arrangements. In this regard, I find that the proposal would be compliant with Policy CP1 of the CS and Policy DP3 of the DPDPD which together seek to avoid development that would generate an adverse traffic impact and require minimum levels of car parking commensurate with road safety, amongst other things.

Other Matters

27. The Council did not find the proposal to be harmful to the setting of the church of St Columbia, a Grade II* Listed Building on the opposite side of Church Street from the appeal site. The appellant considers that any impact would be beneficial. However, given the scale of proposed development and its positioning in relation to the church, I am of the view that the proposal would preserve the setting of that listed building. This is a neutral factor in my determination.
28. I acknowledge the appellant's claims that the proposal would enjoy a degree of support from its compliance with Policies CP2, CP4 and CP18 of the CS and Policies DP1, DP4, DP6, DP8 and P33 of the DPDPD. I also note that there would be no adverse impact on the living conditions of neighbouring occupiers.

Overall Balance and Conclusion

29. Paragraph 193 of the Framework advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.

⁵ North Yorkshire County Council Interim Guidance on Transport Issues including Parking Standards and Advice on Transport Assessments and Travel Plans (2015)

30. In this case, due to the extent of the proposed development's impacts, I have found that it would cause less than substantial harm to the significance of Topcliffe Conservation Area and the adjacent Grade II Listed Building. However, less than substantial harm does not equate to less than substantial weight in the planning balance and therefore, in accordance with the Framework, it attracts great weight. Under such circumstances, the Framework advises, at paragraph 196, that any harm should be weighed against the public benefits of the proposal.
31. The proposal would provide an additional dwelling with good access to a range of services and facilities within Topcliffe and with good access to public transport, thereby contributing to local housing supply. It would also make use of a brownfield site. Some limited economic, social and environmental public benefits would accrue as a result of this, which weigh in favour of the appeal scheme to a moderate degree. In addition, I have found that the proposed parking arrangements would likely result in a modest improvement to highway safety. This too is a public benefit that weighs in favour of the appeal.
32. However, the harmful effects to the significance of both the CA and the adjacent Listed Building are considerations to which I attach great weight and importance, and their combined weight tips the balance against the appeal scheme. Consequently, the proposed development would conflict with the Framework's aim to conserve heritage assets in a manner appropriate to their significance.
33. For the reasons given above, the elements of the Framework directed to the protection of the historic environment provide a clear reason for refusing the proposed development. Consequently, even if I were to conclude that development plan policies are out of date or inconsistent with the Framework, as the appellant alleges, this would not alter my overall findings in this case.
34. Furthermore, the benefits and other matters advanced in favour of the proposal are not of sufficient weight to justify a decision other than in accordance with the development plan, with which, in terms of the heritage and design policies referenced above, the proposal is in clear conflict.
35. Accordingly, for the reasons set out above, and taking into account all other matters raised, I conclude that Appeal B should be dismissed.

Jeff Tweddle

INSPECTOR