
Appeal Decision

Site visit made on 9 November 2020

by Diane Cragg DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 December 2020

Appeal Ref: APP/E2001/W/20/3252849

Star Inn, South End, North Dalton YO25 9UX

- 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 Adam Ellis against the decision of East Riding of Yorkshire Council.
 - The application Ref 19/04179/PLF, dated 4 December 2019 , was refused by notice dated 25 March 2020.
 - The development proposed is change of use of vacant public house to building comprising public house, convenience store, cafe, 3 residential apartments and managers apartment including external alterations to the building. Erection of detached dwelling in south east corner of car park. Formation of marked car parking area.
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. In its statement of case the Council confirms that planning permission for a revised scheme at the appeal site, has been granted¹. I have been provided with a copy of the approved scheme, the Council's planning committee report and a copy of the planning permission. I note that the applicant and the agent for that application are the same. The documentation confirms that the approved scheme differs from the proposal before me insofar as the dwelling within the car park was excluded from the proposals. I am satisfied that both parties have had the opportunity to comment on the subsequent planning permission and I have had regard to it in reaching my decision.
3. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that I have special regard to the desirability of preserving listed buildings or their settings. The Council and the appellant refer to three listed buildings in their submissions; the Dovecote, the gate piers to the Manor House to the west of the appeal site and the Church of All Saints to the north west. The parties agree that the development would not affect the setting of these listed buildings. Following my site visit I am satisfied that the development would not affect or otherwise detract from the setting of the listed buildings and would accord with the requirements of the Act in this regard.

¹ Planning permission reference 20/01286/PLF dated 2 July 2020

Main Issues

4. Having regard to the above, the main issues are:

- whether the proposal would preserve or enhance the character or appearance of the North Dalton Conservation Area with particular regard to the design and layout of the proposed detached dwelling within the car park; and,
- the effect of the development on highway safety.

Reasons

Character and appearance

5. The Star Inn is a public house, which is currently vacant, occupying a corner site within an area of high concentration of notable buildings clustered on the western side of North Dalton village, within North Dalton Conservation Area. Immediately to the north is the village pond (the Mere) and to the south is customer parking. The appeal property adjoins a small collection of cottages that run further eastwards. Together, the Star Inn and adjoining cottages form a long linear structure noted for its visual quality in the North Dalton Conservation Area Appraisal (the CA Appraisal) when viewed from the north and which is visually prominent in the street scene.
6. On the approach to the appeal site from the south along the B1246 the western side of the road is dominated by linear brick-built cottages set above road level immediately adjacent to a raised grass verge. To the east side semi-detached dwellings are set back and above road level behind gardens enclosed by hedged boundaries. At the junction of Main Street and South End the gable elevation and lower outrigger of the Old Post Office and the gable elevation of the adjacent row of cottages are visible at a higher level and form the end of linear rows of buildings in similar orientation to the Star Inn. A sense of openness around these linear buildings is provided by the gardens to the front of the cottages, the appeal site car park, roadside verges and the gardens of properties further south. Roadside verges, hedges and boundary walls adjacent to the gardens and car park are also readily visible and are important to the character of the conservation area as identified in the CA Appraisal.
7. The proposed detached dwelling would be sited in the corner of the car park adjacent to, and following a similar placement to, the garage of the adjoining cottage. It would be designed with reference to the brick detailing and window design of adjacent buildings and with simple form and materials. However, the scale and mass of the dwelling, would be considerably larger than the adjacent garage and its plan form would not reflect the linear nature of surrounding development.
8. I note the appellant has sought to reduce the scale of the building to appear as a subservient addition symbolic of a worker's dwelling or gatehouse to a larger structure. I appreciate that the dwelling would be within the corner of the car park, however, it would be centrally located within the space provided by the surrounding gardens and car park. Because of its proposed scale and mass, it would interrupt attractive views towards the cottages and would appear isolated and incongruous within the car park area. Taken together with the proposed separate curtilage the dwelling would be a conspicuous and discordant feature. Consequently, the proposed dwelling would not contribute

to the sense of place nor reflect local character in terms of its siting, scale and mass.

9. I note the historical maps and aerial image of the terraced development that previously occupied land to the road frontage. Whilst I acknowledge this previous development, I do not consider the sites former use, which predates other extensions and alterations within the vicinity of the site, sets a precedent for the proposed dwelling. Further, the CA Appraisal in addressing the capacity for change recognises that to retain the essential rural character of the western part of the Conservation Area new development should be resisted in this area.
10. Section 72(1) of the Act requires that, in the exercise of any function under the Planning Acts, special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. In this case, the dwelling would be a discordant feature that would not preserve or enhance the character or appearance of the Conservation Area. However, it would be modest in the context of the Conservation Area as a whole and consequently it would result in less than substantial harm to the designated heritage asset.
11. The National Planning Policy Framework (the Framework) advises that less than substantial harm to the significance of designated heritage assets should be weighed against the public benefits of the proposal. The appellant sets out a number of public benefits associated with the development, some of which are supported by third party comments, including the absence of significant changes to the existing buildings and the potential for the building remaining vacant resulting in degradation of the building and vandalism. There are also social, economic and environmental benefits associated with the development which include job opportunities, facilities for the village and new homes. The site is also a sustainable location within the village.
12. I acknowledge that a subsequent planning permission has been granted for the development of the site which is for largely the same proposal without the dwelling in the car park. I have not been provided with any evidence that the viability of the development would be under threat without the proposed separate dwelling. Therefore, it is possible that many of the benefits associated with the scheme before me could be realised without the dwelling. However, even if that were not the case I consider that the great weight to be given to the harm associated with the erection of the dwelling in the conservation area would outweigh the public benefits of the proposed development as a whole, and the proposal would be in conflict with the Framework.
13. As a result of the harm to the character and appearance of North Dalton Conservation Area, with particular regard to the siting and design of the proposed detached dwelling within the car park, the proposal would conflict with Policy ENV1 and Policy S4 of the East Riding Local Plan Strategy Document 2012 – 2029 (Local Plan) where these policies seek to protect the character and appearance of the area and seek high quality design which has regard to the site characteristics and wider context.

Highway safety

14. There are pedestrian routes to the appeal site from within the village via the dedicated path adjacent to the Mere and roadside footpaths. On the whole, for a rural location, these routes provide good pedestrian access to the appeal site. I agree with the appellant that it is likely that the majority of the village would

- access the proposed shop, pub and cafe on foot. I note that previously local people have been employed at the pub and employees from the village could also access the site on foot.
15. The village has a limited bus service which would provide opportunity for a small number of journeys to the appeal site via other modes than the car. Access from surrounding villages by bicycle may be feasible but limited to occasional use for employment purposes by the nature of the rural roads and the lack of streetlighting beyond the village. However, for leisure purposes access by bicycle may provide part of the customer base and cycle parking is proposed within the car park.
 16. The proposal includes 16 car parking spaces, 11 or 12 of which would be available for the shop, pub and café. The appellant has undertaken a car parking accumulation exercise which indicates that the number of parking spaces available would meet the demands of the development at peak times. It is also concluded that overspill car parking on to adjacent roads is unlikely.
 17. At my site visit I noted that the B1246 is a through route with a moderate traffic flow. Just beyond the site to the north the road turns eastwards on a sharp bend and rises into the village where there are some opportunities to park on the roadside. The Star Inn car park is bounded by a brick wall and is separated from the highway by a narrow grass verge. The grass verges on the approach to the site are at a raised level. Given the road configuration there is limited opportunity to park a vehicle on the road outside the site without causing an obstruction.
 18. Neither party has raised concerns about the adequacy of the existing vehicle access into the car park. I am satisfied that the car park layout would provide adequate space within it for a vehicle to turn and leave the site in forward gear. Further, while a number of objectors have referred to overspill parking, the appellant has provided evidence that this is unlikely to occur, and the Council does not dispute the details of the parking accumulation evidence. In any case there is little before me to indicate that any displaced parking would cause highway safety issues.
 19. Therefore, I conclude that the development would be acceptable with regard to highway safety and the development would accord with the requirements of Policies EC4 and ENV1 of the Local Plan where it supports new development that is accessible by sustainable modes of transport, where its likely transport impacts are addressed and where it promotes equality of safe access, movement and use. It would also accord with the Framework where it states that development should only be prevented or refused on highway grounds if there would be unacceptable impacts on highway safety, or the residual cumulative impacts on the road network would be severe.

Other Matters

20. I have had regard to the comments of interested parties in coming to my decision on the main issues including in assessing the public benefits of the scheme. Nevertheless, there are many supportive comments and many objections related to the wider scheme for the change of use of the Star Inn. However, there is a subsequent approval for the change of use in a manner similar to the appeal scheme. There is no compelling evidence before me that would lead me to come to a different conclusion to the Council on issues

specifically related to the change of use of the Star Inn in the manner proposed.

Conclusion

21. For the reasons given above, the appeal is dismissed.

Diane Cragg

INSPECTOR