



---

## Appeal Decision

Site visit made on 19 January 2021

**by C Coyne BA (Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 04 March 2021**

---

**Appeal Ref: APP/E2001/W/20/3255789**

**King's Head (PH), Middle Street, Nafferton, E.R. Yorkshire YO25 4JS**

- 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 Michael Arundel (H A L Builders Ltd) against the decision of East Riding of Yorkshire Council.
  - The application Ref 19/03812/PLF, dated 1 November 2019, was refused by notice dated 10 January 2020.
  - The development proposed is described on the application form as 'Partial demolition and alteration and refurbishment of existing kings head premises including change of use of public house areas (A4) to form 5 no dwelling houses (C3) construction of 1 no additional dwelling house on associated land external works to refurbish parking and turning areas and form private and communal amenity spaces' (sic).
- 

### Decision

1. The appeal is dismissed.

### Procedural Matters

2. In accordance with the statutory duty set out in section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 ('The Act') I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA.
3. In accordance with the statutory duty set out in Section 66(1) of The Act, I have also given special regard to the desirability of preserving no. 20 Middle Street or its setting or any features of special architectural or historic interest which it possesses.
4. I note that a previous proposal for the conversion of the former public house building to five dwellings was granted planning permission by the Council relatively recently (Ref 19/00906/PLF). I also note that the Council have no concerns in relation to the conversion of the former public house to five dwellings and that they consider that this element of the appeal proposal would cause no harm to the character or appearance of the CA or the setting of the nearby listed buildings and based on the evidence before me I see no reason to disagree. I have therefore not referred to the planning merits of this element of the proposed development in my reasoning below.

### Main Issue

5. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Nafferton Conservation Area (CA) and its effect on the setting of nos. 20a and 20b Middle Street both Grade II listed buildings.

## Reasons

6. The appeal site comprises a large former public house building which is located within the CA. It is also adjacent to nos. 20a and 20b Middle Street which are Grade II listed buildings with a late 18<sup>th</sup> century vernacular architectural style including distinctive tumbled gables. There is a gap between the former public house building and the gable end of no. 20a which was formerly used as a beer garden. The land level of the former beer garden is higher than that of the public footpath on Middle Street with there being a retaining wall and fence in place on its front boundary. To the rear of no. 20a is no. 20b. On the other side of no. 20 are two other Grade II listed buildings, nos. 24 and 26 Middle Street.

### *Character and Appearance of the CA and setting of Listed Buildings*

7. The significance of the CA derives from its special interest which according to the CA Appraisal document 2010 includes the historic core of the village which is defined by the buildings being built close together at back of pavement resulting in a hard-edged streetscape. The appraisal identifies Middle Street as the historic core and focal point of the CA given that it has the highest concentration of Listed Buildings.
8. Both the former King's Head public house building, no. 20 Middle Street and the gap between them can be found on historic maps dating back to approximately 1885. Consequently, these buildings and the gap between them form part of the historic interpretation and thereby the character and significance of both this part of the CA and the setting of the nearby listed buildings. Furthermore, given their location within the frontage of Middle Street, I consider the former public house and this gap to be in relatively prominent positions on the street scene alongside the neighbouring listed buildings nos. 20, 24, and 26. A good part of the upper portion of the tumbled gable of no. 20a is also easily visible via this gap from public vantage points on the opposite side of the street and elsewhere on the adjacent highway. The relatively open gap therefore makes a positive visual contribution to the significance of the CA and the setting of the nearby listed buildings.
9. Even though there is a wall and raised portion of land partially infilling this gap up to the approximate eaves height of no. 20a, the proposal would remove this wall and raised land, replacing it with a dwelling which would have an approximate height just below the eaves of the former public house. It would also reduce the size of the gap. Therefore, while more, if not all the gable would be uncovered should the appeal scheme succeed, the scale, height and massing of the proposed dwelling would mean that less of it would be readily visible via the remaining less open gap. Consequently, the proposal would have an adverse visual impact on the character and appearance of the CA thereby harming its significance. For similar reasons it would also harm the setting of the adjacent listed buildings.
10. I acknowledge the appellant's point that in removing the land and wall abutting the gable of no. 20a that the proposal would potentially provide a benefit in terms of assisting the lime mortar to dry-out thereby possibly improving the listed building's structural integrity. However, the removal of this wall and raised land could be undertaken at anytime and is not necessarily a benefit directly linked to the approval and completion of the proposal. In any event, given the orientation of the gable any drying of the lime mortar by the sun would be more difficult, particularly during winter months, an effect that would likely be exacerbated by the location, scale and height of the proposal in relation to it. This would likely negate any potential benefit in this regard. I therefore afford this potential benefit limited weight.

11. I also acknowledge that there are not many other properties in this part of the CA with large gaps between them and that the proposed dwelling would not entirely infill the gap identified above. However, this gap currently allows for a good portion of the tumbled gable of no. 20a to be viewed from the public realm and while the proposal would not completely obstruct this view, it would further restrict it. Consequently, it would cause harm to the character and appearance of the CA, nonetheless.
12. As a result, I find that the proposed additional dwelling would negatively affect the historic interpretation of this part of the CA. Accordingly, it would fail to preserve or enhance the character of the CA as a whole thereby having a negative effect on the significance of a designated heritage asset resulting in less than substantial harm. For similar reasons, the proposal would also cause less than substantial harm the settings of the adjacent listed buildings nos. 20a and 20b Middle Street.
13. Having regard to paragraph 196 of the *National Planning Policy Framework* (the Framework), given its scale, the proposed additional dwelling would provide limited social and economic benefits resulting from its construction and subsequent occupation. It would also potentially provide a limited benefit in terms of possibly drying-out the lime mortar on the tumbled gable of no. 20a. However, these benefits would not be of sufficient weight to outweigh the harm to the CA and listed buildings to which I must attach great weight.
14. I therefore conclude, that the proposal would neither preserve nor enhance the character or appearance of the Nafferton CA. I also conclude that in accordance with the clear expectations of the Planning (Listed Buildings & Conservation Areas) Act 1990, anticipating the development permitted, the setting of the listed buildings would not be preserved.
15. As a result, the proposed development would conflict with paragraph 193 of the National Planning Policy Framework (the Framework), which anticipates that great weight be afforded to the conservation of designated heritage assets, including their setting. It would also conflict with paragraphs 194 and 196 of the Framework which seek to conserve and enhance the historic environment. The proposal would also conflict with Policy ENV3 of the adopted East Riding Local Plan, which aims ensure that heritage assets are conserved, respected, and enhanced in a manner appropriate to their significance. Given that the proposal would not cause substantial harm to a designated heritage asset I consider Paragraph 195 of the Framework not to be entirely relevant to the determination of this appeal.

### **Other Matter**

16. I note the appellant's point with regards to similar development proposals being permitted in the area. However, I do not have all the details of these cases before me or the circumstances which led to those decisions being taken so I cannot be certain that the circumstances applicable to these schemes are the same as those presented in this case, which I have determined on its own merits. In any event, the existence of other similar development proposals in the locality does not outweigh my findings in respect of the character and appearance of the CA or the setting of the listed buildings.

### **Conclusion**

17. For the reasons set out above I conclude that the appeal should be dismissed.

*C Coyne*

INSPECTOR