



Appeal Decisions

Site visit made on 15 December 2021

by Elaine Gray MA(Hons) MSc IHBC

an Inspector appointed by the Secretary of State

Decision date: 27 January 2022

Appeal A - Ref: APP/E2734/D/21/3283558

Plompton Cottage, Plompton, Knaresborough HG5 8NA

- 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 and Mrs P Tomlinson against the decision of Harrogate Borough Council.
 - The application Ref 21/01730/FUL, dated 14 April 2021, was refused by notice dated 7 July 2021.
 - The development proposed is conversion of integral garage into additional living accommodation, external alterations and the addition of a timber framed orangery.
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Appeal B - Ref: APP/E2734/Y/21/3283553

Plompton Cottage, Plompton, Knaresborough HG5 8NA

- 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 Mr and Mrs P Tomlinson against the decision of Harrogate Borough Council.
 - The application Ref 21/01731/LB, dated 14 April 2021, was refused by notice dated 7 July 2021.
 - The development proposed is conversion of integral garage into additional living accommodation, external alterations and the addition of a timber framed orangery.
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Decisions

1. **Appeal A** is allowed insofar as it relates to the following:
 - Garage conversion with proposed new window and link to the existing dining room;
 - Removal of two windows in modern dining room addition and enlarge openings with two new timber windows; and
 - Remove a modern set of doors to the former dairy extension in the south garden wall and infill these with brickwork to match existing walling.
2. Planning permission is granted for the above development at Plompton Cottage, Plompton, Knaresborough HG5 8NA in accordance with the terms of the application ref 21/01730/FUL, dated 14 April 2021, and the plans submitted with it, so far as relevant to those parts of the development hereby permitted, and subject to the conditions set out in Schedule A attached to this decision letter.
3. Appeal A is dismissed insofar as it relates to: the addition of a timber framed orangery.

4. **Appeal B** allowed insofar as it relates to the following:

- Garage conversion with proposed new window and link to the existing dining room;
 - Removal of two windows in modern dining room addition and enlarge openings with two new timber windows; and
 - Remove a modern set of doors to the former dairy extension in the south garden wall and infill these with brickwork to match existing walling.
5. Listed building consent is granted for the above works at Plompton Cottage, Plompton, Knaresborough HG5 8NA in accordance with the terms of the application, Ref 21/01731/LB, dated 14 April 2021, and the plans submitted with it, so far as relevant to those parts of the works hereby consented, and subject to the conditions in Schedule B attached to this decision letter.
6. Appeal B is dismissed insofar as it relates to: the addition of a timber framed orangery.

Preliminary Matters

7. Plompton Cottage is not listed in its own right. It sits at the west end of a walled garden whose north, east and south walls are grade II listed. Although the wall returns at the corner to join the cottage and forms part of the residence, this section of the wall is not referred to in the list description. The residential property is also adjoined on the other side by the listed south wall.
8. The Council have treated the cottage as part of the listed entity through its physical attachment to the listed walls. A listing includes any object or structure fixed to the building and any free-standing object or structure erected before 1 July 1948 within the curtilage of the listed building under section 1(5) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
9. However, the courts have held that the word 'structure' in S1(5) means only a structure which is subordinate or ancillary to the listed building. In this case, although there is attachment to the listed wall, it could not reasonably be said that a principal dwelling could be ancillary or subordinate to a garden wall.
10. Nonetheless, from the evidence before me, section 1(5)(b) appears to apply on the grounds of the cottage and the western wall segment falling within the curtilage of the grade II* Plompton Hall, which is located close behind the cottage. The evidence shows that Plompton Cottage was historically part of the Plompton Hall estate before a separation in ownership in 1983. The large walled garden that now belongs to Plompton Cottage was formerly the kitchen garden to the estate, with the cottage reputed to be the gardener's residence.
11. The curtilage tests relate to: the physical layout of the buildings past and present; the ownership of the buildings past and present; and their use and function past and present. Even if the ownership of the cottage has changed, it seems that the physical relationship between Plompton Hall and the cottage, and the respective use of the buildings, largely remain as they were before 1948.
12. Furthermore, I note from the planning history that the cottage was deemed listed in 1983 in connection with application ref: 83/03177/LLB, which was

prior to the listing of the walls in 1985. This would seem to infer that the cottage was listed by virtue of its curtilage relationship to Plompton Hall.

13. On that basis, the cottage should be deemed listed although not for the reason now given by the Council. The proposed works would affect its character as a listed building, and so I am satisfied that listed building consent is required.
14. In the interests of conciseness and clarity, I have dealt with both appeals together in my reasoning.

Main Issue

15. The main issue is the effect of the proposal on the special interest, including the setting, of the listed buildings.

Reasons

Significance

16. Plompton Hall is an ashlar-built country house, of two storeys and three bays under a stone slate roof. The main façade has a projecting central bay with a pediment, which gives it an imposing presence from the main approach. It forms part of a stables complex that was completed in 1757 by John Carr for Daniel Lascelles, and work began in c.1760 on a new house to the southwest to accompany them.
17. However, when the plans changed, the new house was demolished and the south range of the completed stables was converted into Plompton Hall. Associated with the hall are a number of the buildings that formed part of the planned Plompton estate. The fine architecture of the hall, denoting its high status, and the historic interest of its own development and the estate around it all contribute to the significance of the listed building.
18. The north, east and south walls to the former gardens of Plompton Hall date from the late 18th century, and were constructed for Daniel Lascelles as part of the Plompton Hall estate. They are built of red brick in English bond with ashlar copings. Enclosing an extensive garden area, the walls vary in height, with the east wall ramped up to meet the north and south walls. In addition to their clear aesthetic value, the walls appear to be relatively unaltered, and are thus of considerable historic value as part of the Plompton Estate. These factors all contribute to their significance as listed structures.
19. The ordnance Survey map of 1967-1968 shows Plompton Cottage as a building with a long, narrow, predominantly linear form. The dairy extension is shown projecting forward of the garden elevation along the south garden wall. The porch has not yet appeared, but pathways are shown leading into the walled garden. It is clear that the dwelling has been substantially altered and extended on its west side, nearest to Plompton Hall.
20. However, the garden elevation of the cottage appears to be little altered. The central section stands at two storeys with a brick façade and stone slate roof with an off-centre chimney. The elevation is informally arranged with two entrances and a number of multi-paned sash and case windows. The windows have simple stone cills and lintels. On one side, the two storey section joins the western segment of the garden wall. On the other, it joins a lower two storey section of similar brick and stone slate construction with a prominent

brick chimney. This section has notably fewer openings than the central element. Adjoining it, along the south return of the garden wall, is a low single storey outshot that was historically used as a dairy.

21. Although it lacks the ornamentation and formality of Plompton Hall, the garden elevation in particular is of high aesthetic value. An architectural hierarchy can be seen between the central section, which has the more domestic appearance, and the elements that step down from it on either side. The largely unbroken façade has a strong coherency arising from the consistent use of the historic materials across its length, with the red brick forming a strong visual tie to the garden walls.
22. Despite the changes over the years, the overall historic form and character of Plompton Cottage remains legible. The building is of clear historic interest through its ancillary position to Plompton Hall and its contribution to the setting of the listed walls. It is a tangible record of the physical evolution of the estate and adds to the understanding of the historic function and architectural hierarchy of the estate as a whole. The factors I have identified contribute strongly to the significance of Plompton Hall and the group of listed buildings including the garden walls.

The proposed orangery

23. It is proposed to erect a single storey orangery to the garden elevation of Plompton Cottage. The new orangery would extend across three existing archways that are later openings within the western segment of the garden wall. It would comprise large areas of glazing within a painted timber frame and would also have a flat roof with a centrally placed pyramidal lantern.
24. The Council's document entitled 'House Extensions & Garages Design Guide' (DG) sets out general principles for the design of residential extensions. Their form should be subservient, well-proportioned and should present a satisfactory composition with the house.
25. Although single storey, the new orangery would substantially exceed the height of the ground floor of the dwelling. Its eaves would be at the same level as the cills of the adjacent first floor windows, and the ridge of the lantern would reach the height of the coping of the garden wall. The projection of the structure would be similar to that of the dairy building, but its footprint would be approximately double that of the dairy. Its proposed width would be more than half that of the central two storey part of the cottage.
26. As a result, the orangery would be a sizeable addition to the building. It would not achieve visual subservience and would be disproportionately large in relation to the cottage. It would also disrupt the largely linear frontage that I consider to be an important contributor to the traditional character and appearance of the cottage. Whilst it is the case that the frontage has already been broken by the porch, this structure is considerably smaller and thus sits more comfortably within the elevation. By contrast, the new structure would fail to complement the visual composition of the garden façade.
27. When viewed through the glazing, I accept that visibility to the rear historic wall would be maintained, but the orangery would nonetheless have a substantial impact on the appearance of the cottage. The appellants further argue that the extension, with its large proportion of glazing, would reflect and

acknowledge the glasshouses that were historically located within the working garden. However, it would be unusual to find a structure of a classical design amongst the more workaday greenhouses that were generally found within a working kitchen garden. These would tend to have been plainer and more functional in character. There is little evidence to show that the proposal would reflect the actual design or proportions of the previous structures in this location.

28. I agree that the orangery would have little effect on the openness of the garden area, given its extensive size. However, at closer quarters, its dominant appearance would harm the visual harmony that exists between the cottage and the adjacent stretches of wall, and would erode the understanding of their functional relationship. To that extent, the setting of the listed walls would be harmed by the proposal.
29. Drawing these factors together, I find that the proposed orangery would harm the character and appearance of Plompton Cottage. As a result of this harm, the contribution of the cottage to the special interest and significance of the grade II* listed building Plompton Hall and to the setting of the grade II listed walls would not be preserved.
30. Whilst it is the case that the new orangery would not be visible outside the confines of the walled garden, this factor has little bearing on my consideration. This is because listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of them can be gained.

The other proposals

31. The Council's reason for refusal also objected to the proposed alteration to the southern elevation of the garden wall. In the former dairy building, a later opening has been broken through part of the listed southern garden wall. This opening comprises a set of modern glazed double doors with side panels which detract from the character and appearance of the garden wall.
32. Originally, drawing PC/PL01 proposed to remove the doors and panels and replace them with new windows with a slightly raised cill and brick infill below. In response to the Council's concerns, revised drawing PC/PL01 (A) was submitted proposing to remove the existing doors and panels and block up the opening with brickwork to match that of the existing garden wall. This proposal would restore the appearance of the historic wall and would be of benefit to the significance of the heritage asset as a whole.
33. It is also proposed to remove the internal wall separating the existing garage from the existing dining room. The two existing windows adjacent to the garage door in the south elevation would be replaced with slightly larger windows. The garage door itself would be removed and replaced with a new timber window to match the other new windows, with brick infill surrounding it. From the evidence before me, I am satisfied that these elements of the appeal scheme would have a neutral effect on the character and appearance of Plompton Cottage.

Summation

34. Accordingly, therefore, the works and development insofar as they relate to the proposed orangery would conflict with the overarching statutory duty as set out

in the Planning (Listed Buildings and Conservation Areas) Act 1990, which must be given considerable importance and weight, and with the National Planning Policy Framework (NPPF). In addition, this element of the scheme would conflict with Policy HP2 of the Harrogate District Local Plan (LP), insofar as it seeks to ensure that proposals affecting a heritage asset, or its setting, protect or enhance those features which contribute to its special architectural or historic interest. It would also conflict with LP Policy HS8, which amongst other things, resists extensions that would have an adverse impact on the character or appearance of the dwelling, and with LP Policy HP3, which protects local distinctiveness. Furthermore, it would conflict with the design advice given in the DG.

35. Although serious, the harm to the heritage assets in this case would be less than substantial, within the meaning of the term in paragraph 195 of the NPPF. Paragraph 196 requires that, where there is less than substantial harm, the harm should be weighed against the public benefits of the works.
36. The new orangery would provide additional living accommodation at Plompton Cottage. However, this would be a private benefit and so would not count in favour of the proposal.
37. I therefore find that insufficient public benefits have been identified that would justify or outweigh the harm I have identified to the heritage assets. The scheme therefore conflicts with the NPPF, which directs, at paragraph 193, that great weight should be given to the assets' conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.

Other Matters

38. The appeal site also lies in the Plompton Conservation Area (CA), and so I am required to have special regard to the desirability of preserving or enhancing the character or appearance of the conservation area. However, I am satisfied that the majority of the proposals would not be easily discernible outside the grounds of Plompton Cottage. Conversely, the proposal to restore a section of the southern garden wall would be of benefit to its appearance. To that extent, there would be a small improvement to the character and appearance of the CA in the vicinity of the southern wall, and the significance of the wider CA would be preserved, satisfying the statutory duty.
39. I have taken into account the representations from consultees, including Historic England, offering no comment on the scheme, and the Yorkshire Gardens' Trust, who find that the proposals would have no impact on the Plompton Rocks registered park and garden. I note that the York Georgian Society offered no objection and commented that the proposed orangery would be acceptable in its design and duly subordinate to the rest of the building. However, these representations have not led me to a different conclusion on the matters above.

Conditions

40. For certainty, it is necessary that the works and development are carried out in accordance with the approved plans. In the interests of character and appearance, it is necessary to attach conditions relating to the design of the new windows and requiring details of the new sections of brickwork infill.

Conclusion

41. In carrying out the statutory duty under the Planning (Listed Buildings and Conservation Areas) Act 1990, I confirm that the works and development which I have found acceptable would preserve the buildings and their settings and their features of special architectural or historic interest. They accord with the development plan policies referred to, and hence the development plan overall. They also meet the aims of the NPPF.
42. Conversely, those works and development found unacceptable would conflict with the development plan overall. With regard to the NPPF, I have not found sufficient public benefits that would outweigh the harm identified.

Elaine Gray

INSPECTOR

Schedule A - conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; PC/PL01 (A), except in respect of the proposed orangery shown on plan PC/PL01 (A).
- 3) No development to the areas of the south elevation of the garage or the south elevation of the garden wall shall take place until sample panels of all new facing brickwork showing the proposed bricks, face-bond and pointing mortar have been provided on site and approved in writing by the local planning authority. The approved sample panels shall be retained on site until the work is completed and the development shall be carried out in accordance with the approved sample panels.
- 4) The detailed design of the glazing bars and window frames, finish, colour, set back within the reveal and opening mechanism of the new timber windows to the south elevation shall match those of the existing windows within the same façade.

Schedule B – conditions

- 1) The works authorised by this consent shall begin not later than three years from the date of this consent.
- 2) The works authorised by this consent shall be carried out in accordance with the following approved plans: Site Location Plan; PC/PL01 (A), except in respect of the proposed orangery shown on plan PC/PL01 (A).
- 3) No works to the areas of the south elevation of the garage or the south elevation of the garden wall shall take place until sample panels of all new facing brickwork showing the proposed bricks, face-bond and pointing mortar have been provided on site and approved in writing by the local planning authority. The approved sample panels shall be retained on site until the work is completed and the works shall be carried out in accordance with the approved sample panels.
- 4) The detailed design of the glazing bars and window frames, finish, colour, set back within the reveal and opening mechanism of the new timber windows to the south elevation shall match those of the existing windows within the same façade.