



Appeal Decision

Site visit made on 25 January 2022

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 February 2022

Appeal Ref: APP/C2708/W/21/3284316

Canal Street Croft, Canal Street, Skipton BD23 1LB

- 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 A and L Howsen against the decision of Craven District Council.
- The application Ref 2021/22595/FUL, dated 10 February 2021, was refused by notice dated 11 August 2021.
- The development proposed is the construction of residential development (3 dwellings).

Decision

1. The appeal is dismissed.

Preliminary Matters

2. An amended housetype details plan was submitted with the appeal which shows a window at first floor level on both gable elevations. The appellants have confirmed that it corrects a fenestration error. The amended plan ties with what is shown on the proposed floor plans in terms of the fenestration. The Council's position is that no prejudice to it or other interested parties would occur if the amended plan was accepted. Given that the windows were previously shown on the original floor plans submitted with the application, the proposed development would not be so changed that to consider it would deprive those who should have been consulted on the changed development of the opportunity of such consultation. I have therefore taken account of this amended plan in my decision.
3. In light of the clarification about the windows, the Council does not seek to defend its third reason for refusal in so far as it relates to the effect on outlook and light for future occupiers. I have determined the appeal scheme accordingly.

Main Issues

4. The main issues are:
 - the effect of the proposed development on the character and appearance of the area, including the Skipton Conservation Area; and
 - the effect of the proposed development on the living conditions of neighbouring residents and whether the proposed development would provide acceptable living conditions for future occupiers, with particular regard to privacy.

Reasons

Character and Appearance

5. The appeal site is an area of land located just off Canal Street, sitting at a higher level and close to the centre of Skipton. It lies within the Skipton Conservation Area (the Conservation Area), a designated heritage asset which paragraph 189 of the National Planning Policy Framework (the Framework) identifies as an irreplaceable resource and should be conserved in a manner appropriate to its significance.
6. The site is laid to hard core and at the time of my site visit was being used for the parking of vehicles. There is a single storey building currently at its south west corner. The proposed development would comprise the removal of the single storey building and the construction of three dwellings. The central unit (unit B) would be a narrow three storey dwelling and would be flanked on both sides by a two storey dwelling. Small garden areas would be provided to the front and rear. The site is enclosed by stone walls to the south and west and along part of its northern boundary which would be retained.
7. The site lies within part of the historic core of Skipton. It is within a densely developed area comprising a mix of commercial and residential properties of varying ages and designs, reflecting the historic development of the town. This area is characterised by terraces running in a general east to west orientation between the High Street and the canal, together with a number of two and three storey buildings on small plots. A characteristic feature of the area are the ginnels which provide access to the buildings and routes off the High Street. The urban grain of the area, and the ginnels and terraces which form an important part of the town's street pattern and historic development, make an important positive contribution to the significance of the Conservation Area, in so far as it relates to the appeal scheme.
8. The layout proposed for the dwellings would generally retain an east to west orientation between the High Street and the canal. However, the relationship of the proposed dwellings to each other and their design, with a staggered building line, a narrow three storey dwelling flanked by wider two storey dwellings, would not reflect the prevalent urban grain in the area. As such, the form and scale of the proposed development would have a disruptive effect on the form of the surrounding area, notwithstanding the limited views of the site.
9. The materials proposed would be reflective of the prevalent building materials in the area, as would the general density of the development. However, limited regard has been given to other defining features or detailing that are characteristic, including those that are important features of the Conservation Area. This includes the fenestration and features such as corbels, stone sills, lintels and chimneys. This underlines the inharmonious nature of the proposed development with its context.
10. I note the appellants' view that the three storey dwelling would be an acknowledgement of the commercial nature of the immediate area, a character of the Conservation Area, and in affording views of the canal would emphasise historic links between the site and the canal. However, the massing of the building and the lack of characteristic detailing would not provide an appropriate response to the context of the area for the reasons I have given.

11. Consequently, the proposed development would not fit comfortably into the prevailing form or pattern of development, would appear incongruous and as such would have a harmful effect on the character and appearance of the area.
12. For the same reasons as given above, the form and scale of the proposed dwellings together with a lack of building elements that are reflective of the area's important characteristics result in a proposal that would sit uncomfortably within the Conservation Area. The proposed development would therefore fail to preserve or enhance the character or appearance of the Conservation Area and would cause harm to its significance. In terms of the Framework, I assess the harm as less than substantial. Although I have found that the harm to the Conservation Area would be less than substantial, even so, this harm is of considerable importance and weight. Under such circumstances, paragraph 202 of the Framework advises that the harm should be weighed against the public benefits of the proposal.
13. The proposed development would make a small contribution to the supply of housing in a location well related to the services and facilities within the town, consistent with the Government's objective to significantly boost the supply of homes. There would also be employment during construction and additional residents that would support local shops, businesses and community facilities. However, given that the proposed development is for three dwellings, these public benefits would be limited. The benefit to biodiversity arising from the creation of garden areas would be very limited given the size of the site. It attracts commensurate weight.
14. Paragraph 199 of the Framework states that great weight should be given to the asset's conservation. Paragraph 200 requires clear and convincing justification for any harm to or loss of significance of a designated heritage asset. Consequently, the harm I have identified to the Conservation Area attracts considerable weight against the proposed development. Given the weight that I attach to the public benefits, these would not outweigh the harm that would be caused.
15. There may be some scope for a more individual layout and contemporary elements at the site. However, the combination of the design elements proposed, in particular the wide plot widths of the two storey dwellings flanking the narrow three storey dwelling and the lack of detailing characteristic of the area, would result in a development that would cause harm to the character and appearance of the area and less than substantial harm to the Conservation Area.
16. As the proposed development would not respond to its context or respect the form of the existing and surrounding buildings, it would conflict with Policy ENV3 of the Craven Local Plan 2012 to 2032, adopted 2019 (the Local Plan), as well as the objectives of paragraphs 126, 130 and 134 of the Framework relating to good design and local character and the principles for well-designed places set out in the National Design Guide.
17. The proposed development would also conflict with Policy ENV2 of the Local Plan, which states that harm to those elements which contribute to the significance of designated heritage assets will only be permitted where this is outweighed by the public benefits of the proposal. It would also be contrary to the requirements of paragraphs 189, 199, 200 and 202 of the Framework, which are summarised above, and the requirements of the Act.

Living Conditions

18. The proposed first floor bedroom window in the north elevation of unit A would be positioned in such a way as to permit oblique views towards the rear bedroom window of 24 Canal Street. However, these views would be in close proximity and from a higher level due to the difference in ground levels. As such, despite the angle of view that would be achieved, the degree of overlooking and the perception of being overlooked that would result from both the narrow separation gap and the height differential of the properties would be harmful to the living conditions of residents of no. 24. Given that the rear window of no. 24 would sit at a lower level than the proposed dwelling, there would not be the same reciprocal opportunity for overlooking.
19. Views of the rear amenity areas of 22 and 24 Canal Street would be possible from the corner windows of unit B, which would serve a dining/kitchen area at first floor level. However, there would be a moderate separation distance and views of the amenity areas would be at an angle. As such, there would not be an unacceptable degree of overlooking.
20. The orientation of unit A would allow future occupiers to overlook directly and from a close distance all of the rear amenity areas from the proposed first floor window on its western elevation. Residents of nos. 22 and 24 would therefore be overlooked when in the rear amenity areas, given the proximity, height and orientation of this proposed first floor window. Whilst there is already a degree of mutual overlooking from dwellings in the vicinity, the exacerbation of the effects of overlooking of the rear amenity areas of nos. 22 and 24 from an additional viewpoint and at a close distance would be harmful to the living conditions of the residents of these properties, notwithstanding that it would be from a bedroom rather than a main living space.
21. The orientation of unit B towards the amenity areas of the properties to the south at The Gardens and Rose Cottage would allow future occupiers to overlook from a relatively close distance all of these neighbouring areas from the proposed rear first floor windows serving the lounge area. Residents of these properties would therefore be overlooked when in these areas, given the proximity, height and orientation of the proposed rear first floor windows. This would be detrimental to the enjoyment of these areas by residents of these properties. The Council has also identified a concern with overlooking of the private amenity areas of properties on Manbys Yard. However, given the very oblique views, separation distance and intervening properties there would not be an unacceptable effect for residents of these properties due to overlooking.
22. The appellants have stated a willingness to accept obscure glazing to the rear lounge windows. However, those rear windows would, in effect, be the sole means of outlook from the lounge area given the proposed layout. Whilst obscure glazing would likely still enable adequate levels of light to penetrate into this main habitable room, it would prevent any clear outlook from it. This measure would therefore cause a harmful loss of outlook from the lounge area and so would not provide appropriate mitigation.
23. Pulling these points on living conditions together, I find that future occupiers of the proposed dwellings would not experience unacceptable overlooking. However, I have found harm in relation to the living conditions of residents of 24 Canal Street with regard to a loss of privacy for their rear bedroom and rear amenity area. I have also found harm for residents of 22 Canal Street, The

Gardens and Rose Cottage with regard to a loss of privacy for their outdoor amenity areas.

24. The proposed development would have a harmful effect on the living conditions of neighbouring residents with regard to privacy. As such the proposed development would conflict with Policy ENV3 of the Local Plan, which seeks to protect the amenity of existing residents, and paragraph 130 of the Framework which states that developments should create places with a high standard of amenity for existing and future users.

Other Matters

25. There are a number of listed buildings in the vicinity of the site, the most relevant being 58, 58A and 60A High Street. The significance of these listed buildings lies in part from the evidence they provide of the architectural style of the time and the historical development of Skipton, including the ginnels which are a particular characteristic of this area. The site is separated from the listed buildings by a number of properties. The proposed development would not affect their important features or characteristics. It would not therefore harm the setting of the listed buildings or their significance as designated heritage assets. In reaching this conclusion, I have had special regard to the desirability of preserving their setting.

Conclusion

26. The proposed development would conflict with the development plan taken as a whole, as well as the Framework. There are no material considerations worthy of sufficient weight that indicate the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR