



Appeal Decision

Site Visit made on 17 August 2021

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th March 2022

Appeal Ref: APP/C2741/Y/21/3272661

44 Clifton, York YO30 6AW

- 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 Keith Knight of Dean Knight Partnership Limited against the decision of City of York Council.
 - The application Ref: 20/01474/LBC, dated 12 August 2020, was refused by notice dated 8 October 2020.
 - The works proposed are described as: Rear single storey ground floor extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 20 July 2021 the Government published a revised version of the National Planning Policy Framework (the Framework). The parties were given the opportunity to comment on any implications that the revision to the Framework may have on their respective cases. Neither party submitted any further comments in response. None of the revisions to the Framework are of direct relevance to the principal disputed matters in the appeals and the provisions in respect of considering the potential impacts on heritage assets are unchanged from the previous version. I have determined the appeals with reference to the revised Framework.
3. At the time that it was listed, the appeal building was subdivided into two separate dwellings, known as 42 and 44 Clifton. It was subsequently recombined into a single dwelling house that has the postal address 44 Clifton.
4. As the proposal relates to a listed building and is within a conservation area, I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

5. The main issue in this appeal is whether the proposed works would preserve a Grade II listed building, 42 and 44 Clifton [List entry: 1259224], and any features of architectural or historic interest that it possesses.

Reasons

6. The building was listed in 1954 and dates from around 1780, although the evidence indicates that it incorporates parts of an earlier building. It is constructed in brick under a slate roof. The application was accompanied by a detailed Design, Access, and Heritage Statement which sets out a chronology

of the building and its occupiers. From this evidence, which is not questioned by the Council, it is apparent that the building has undergone a number of changes throughout its history from being a smaller building that was extended and refaced in brick in the 1780's to form the core of the current house. This subsequently had a series of additions to the rear of the building which were later variously removed, altered, or added to throughout the nineteenth and twentieth centuries. The evidence also shows that the building was subdivided to form two houses in the early part of the twentieth century, requiring the insertion of a second door into the principal elevation, before later being converted back to a single house.

7. The Design, Access, and Heritage Statement identifies that the significance of the building lies in its core Georgian plan, encompassing the earlier house, comprising the three principal rooms on each floor and the projecting rear staircase extension. It also identifies a number of external and internal architectural features of interest, including the late eighteenth century staircase.
8. Given the above, I find that the significance of the building is derived from its architectural interest as an earlier building that was "modernised" in the Georgian period and the evidential value which it provides of the evolution of the building over time to suit the changing requirements and aspirations of the occupiers, particularly the historic layering that is evident on both the front and the rear elevations, and the evidence of different construction techniques therein. It also has aesthetic value derived from its external appearance and its relationship with the street and surrounding buildings.
9. The proposed works would add a flat roofed, single storey, extension to the rear ground floor of the building projecting approximately 5.6 metres from the main rear wall of the house with a width of approximately 9.8 metres. The extension would wrap around the existing projecting rear staircase addition and the more recent, three storey, flat roofed addition containing the breakfast room at ground floor level and bathrooms above. The new extension would join to an existing two storey rear addition containing the kitchen on the ground floor and a dressing room and shower room on the first floor. The extension would be faced in brickwork and would have a sedum roof. The rear elevation facing the garden would incorporate three sliding patio doors and the side elevation would contain a personnel door and two high level windows. No new openings would be created in the current building to access the extension. An existing landing window within the staircase addition would be reduced in size by increasing the sill height to accommodate the roof height of the new extension.
10. Whilst I accept the appellant's points that the proposed extension is not to a principal, or public facing, elevation of the building and that historically the service elements at the rear of buildings were less formally designed, this does not necessarily equate to the rear elevation not contributing to the significance of the building. It is clear from the evidence that the rear elevation of the building has been subject to a series of alterations over time and that extensions have been added and then subsequently removed. However, it is at the rear that much of the historic layering that illustrates the evolution of the house over time is revealed. Of particular importance is the projecting rear staircase addition that the evidence indicates was added at the time when

substantial remodelling of the building was undertaken that resulted in the form of the historic core that remains today.

11. The form and legibility of the staircase addition has been diminished slightly by the more recent three storey addition adjacent to it. The present proposed extension would result in the lower part of the staircase addition being amalgamated within the new works, further reducing its legibility as an important part of the historical evolution of the building. The reduction in size of the principal landing window would also make the function of this part of the building less clear.
12. The historic layering of the building is currently evident at the rear of the building and is emphasised by the differing materials and surface treatments on the current rear additions. Architecturally, the building has a strong vertical visual emphasis which is evident in the fenestration pattern on the front and gable elevations but is also expressed through the built form and materials of the rear additions. I would agree with the Council's point that the proposed extension displays a horizontal emphasis and would be inconsistent with, and cut across, the vertical features to the rear that illustrate the buildings evolution, making then harder to decipher. Visually the extension would be at odds with the strong verticality of the external appearance of the house.
13. Internally, the truncation of the landing window in the stairwell would alter the visual proportions of the stairwell and the visual relationship of the window opening with the staircase. This part of the building would have been designed as a cohesive whole when the new staircase was installed as part of the eighteenth century remodelling of the house.
14. The proposed extension would not affect the current internal floorplan of the historic core of the building, which is recognised in the Design, Access, and Heritage Statement as a significant feature of it. Nonetheless, the proposed extension would create a large new internal space adjacent to, and functionally forming part of, the ground floor plan. The existing internal spaces are broken down into smaller units and previous additions to the building have followed the general size and proportion of these. The internal compartmentalisation is a key part of the significance of the building, and the form and proportions of the internal space that would be created within the new extension would be inconsistent with this. This would undermine the historic floorplan with the living spaces to the front of the building, within the main part of the house, and ancillary spaces in additions to the rear.
15. Whilst it could be argued that the proposed extensions represent the next stage in the evolution of the building and its adaptation to twenty-first century living, this has to be taken in the context of the historic and architectural interest of the building in its current form and the fact that earlier adaptations have followed the proportions and built form of the earlier building and, as a result, have integrated with its historic character and features.
16. It is argued that the proposed extension is structurally separate from the main building and could be removed at a later date with no effect on the existing building. Whilst this may be the case, and indeed there is evidence of earlier rear additions being subsequently removed or modified, there is no compelling evidence before me that would indicate that the extension would not remain in place for a substantial period of time. Consequently, the effects identified above would persist for an unspecified duration.

17. It is also suggested that the extension would be subsidiary to the existing building would be located to the rear and thus not widely visible. However, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.
18. Taking the above points together, I find that the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
19. Paragraph 199 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets, or from development within their setting, and that this should have a clear and convincing justification. Given that the proposed works would not result in the total loss of any of the features of the building that have been identified as being of particular importance to its significance, and that the works would not affect the principal elevations of the building, I find the harm to be less than substantial in this instance but, nevertheless, of considerable importance and weight.
20. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant is of the opinion that the proposal would be beneficial because it would allow the present occupants and their dependants to remain in the house in the long term, improve the accessibility of the house by creating level access and facilities on the ground floor, and provide habitable accommodation with views of an access to the garden.
21. These are largely private benefits that would accrue to the appellant. This notwithstanding, the Planning Practice Guidance sets out that benefits do not always have to be visible or accessible to the public in order to be genuine public benefits, and cites as an example, that works to a listed private dwelling which secure its future as a designated heritage asset could be a public benefit. It is not argued that the building would be at risk if the works were not carried out. However, adaptations that would potentially allow the building to meet the needs of current and future generations could be considered a public benefit.
22. The continued viable use of the appeal property as a residential dwelling is not dependent on the proposal, as the building has an ongoing residential use that would not cease in its absence. The proposed works would make the building more convenient for the occupiers and provide some facilities that are closer to current residential standards. Nonetheless, it has not been shown that there are no alternative ways to achieve similar results in a manner which would preserve the special historic and architectural interest of the building. Consequently, whilst the benefits identified by the appellant attract a small amount of weight, it is not sufficient to outweigh the harm that I have identified.
23. I have also noted that there was an earlier scheme to extend the rear of the building to a similar extent that was granted listed building consent in 2009. Whilst it is suggested that these works have been commenced, I have no

evidence of what works were carried out or that these would constitute a material start. Neither do I have any evidence that would show that either planning permission was obtained, or that the works in question would have been permitted development. I am also mindful of the Council's point that this consent pre-dates the publication of the Framework. Consequently, I give little weight to this.

24. Given the above, I conclude that the proposal would fail to preserve the special historic interest of the Grade II listed building, thus failing to satisfy the requirements of the Act, paragraph 197 of the Framework, and, in so far as it is relevant, Emerging Policy D5 of the City of York Local Plan (Publication Draft) 2018, which seeks to preserve or enhance listed buildings.

Other Matters

25. The appeal building is located within the Clifton Conservation Area. From the evidence provided, and from what I saw when I visited the site, the significance of the conservation area, in so far as it is relevant to this appeal, is derived from the evidential value it displays of a separate rural community that was absorbed by the expansion of York in the nineteenth century with Georgian and regency buildings along the main road and later, Victorian and Edwardian buildings in new side streets leading from this. It also has an aesthetic value arising from the design and disposition of the buildings and their relationships to the streets and each other.
26. There would be some potential glimpsed views of the upper part of the proposed extension from Clifton and from Burton Stone Lane, and the car park associated with the nearby Bingo Hall. There would also be some potential glimpses from the alley that runs to the side of the appeal building.
27. Despite the harm that would be caused to the listed building, I do not find that the proposal would be detrimental to the character or appearance of the conservation area. This is because the proposed changes would not be readily visible from the public domain. Unlike listed buildings, the significance of a conservation area is dependent upon how it is experienced. Under such circumstances case law has established that proposals must be judged according to their effect on the conservation area as a whole and must therefore have a moderate degree of prominence. Given the above, I find that the proposal would not be detrimental to the conservation area and thus preserve its significance.
28. The appeal building is also within the setting of the neighbouring Grade II listed buildings at 40 Clifton and 50 Clifton. Only limited information has been provided in respect of these buildings. However, in so far as it is relevant to this appeal, the contribution that the setting makes to their significance is to provide the context for their original historic use as houses and gardens for comparatively well off occupiers, and for their current uses. Although the appeal proposal would introduce a new element into the settings of these buildings, it would not alter their context to the extent that the understanding of this and the adjoining listed buildings would be harmed. I therefore find that the effect on the setting of the adjacent listed buildings would be a neutral one.
29. Consequently, in these respects, the proposal would not conflict with the relevant requirements of Policy HE2 of the City of York Development Control

Local Plan 2005 that expects proposals to preserve conservation areas and the setting of listed buildings.

Conclusion

30. I have found that the proposal would not preserve the special historic interest of the Grade II listed building and for this reason the appeal must fail, notwithstanding that it would preserve the significance of the Clifton Conservation Area and the setting of the neighbouring listed buildings.
31. For the above reasons, I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR