



Appeal Decisions

Site visit made on 5 May 2022

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 01 August 2022

Appeal A Ref: APP/E2734/W/22/3293758

Westfield House, Grewelthorpe Village, Grewelthorpe HG4 3BS

- 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 & Mrs Hasson against the decision of Harrogate Borough Council.
 - The application Ref: 21/04272/FUL, dated 24 September 2021, was refused by notice dated 28 January 2022.
 - The development proposed is single storey extension of rear kitchen, installation of roof windows and changes to fenestration.
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Appeal B Ref: APP/E2734/Y/22/3293759

Westfield House, Grewelthorpe Village, Grewelthorpe HG4 3BS

- 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 & Mrs Hasson against the decision of Harrogate Borough Council.
 - The application Ref: 21/04273/LB, dated 24 September 2021, was refused by notice dated 28 January 2022.
 - The works proposed are single storey extension of rear kitchen, installation of roof windows and changes to fenestration.
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Decisions

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

Preliminary Matters

3. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
4. In relation to application Ref: 21/04273/LB and Appeal B, the Council's delegated report and decision notice refers to the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas Act) 1990 (the Act). However, section 66(1) of the Act concerns 'whether to grant planning permission for development which affects a listed building or its setting.' As this application and appeal concern 'whether to grant listed building consent for any works', the proposal requires to be assessed against section 16(2) of the Act. I have therefore determined Appeal B on this basis. Both sections of the Act require 'special regard to be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.' As both parties have addressed this matter within their

respective evidence, I consider that their interests have not been prejudiced by my approach.

Main Issue

5. The main issue is whether the proposal would preserve the Grade II listed building known as Westfield House, or any features of special architectural or historic interest which it possesses.

Reasons

Special interest and significance

6. Westfield House dates from the late-18th century and is Grade II listed¹. It is a mid-terrace, three-storey, two-bay dwelling of traditional stone and slate construction. A single-storey, stone and tile structure adjoins the main house at the rear and has a modern, lean-to, timber-frame and glass structure attached to it.
7. Whilst the listing 'details' cites only the front elevation features, listings are primarily for identification purposes and do not provide an exhaustive or complete description of the building's special interest. In this context and from the evidence before me, I find that the listed building's special interest and significance to be mainly derived from its historic and architectural interests, as a notable late-18th century domestic property on the main route through Grewelthorpe. The building's surviving historic fabric, the legibility of its historic plan form and its pleasing architectural style and design all make important contributions in these regards.
8. Pertinent to the appeals, even though the date of the single-storey structure at the rear is unknown, it appears to be of some age. This, combined with its traditional stone construction, subordinate nature and restrained design means that it forms part of and positively reinforces the building's special interest and significance as a designated heritage asset.

The appeals proposal and effects

9. The appeals proposal mainly concerns changes to the rear single-storey structure. These include, the removal of the timber-frame and glass lean-to; the removal of the structure's side wall, including the existing door and window, and its extension by the construction of a new wall to create a larger footprint; the removal of the internal chimney breast and external chimney stack; the replacement of the two rear windows with a double width doorway and an enlarged window; the replacement of the roof tiles with slates; the installation of eight Velux rooflights; and the installation of breathable insulation to all external walls and the roof. The proposal also includes the removal of a ground floor window in the rear elevation of the main house to create a double width doorway to access the refurbished space.
10. In creating an enlarged, open-plan kitchen and dining area within the property, the proposal would result in the removal of a considerable amount of historic fabric, namely, the side stone wall, chimney breast and stack and windows. I note the appellants' intention to salvage and reuse some of this fabric. However, this is not referenced on the submitted drawing² and I cannot be

¹ Heritage List for England, List Entry Number: 1150493.

² Drawing No: 429/P1.

certain that this process would be practically possible. Even if I accepted that this aim would be feasible and could be secured by an appropriately worded condition, the historic authenticity and integrity of these elements would still be irreversibly changed and/or lost by the act of their removal and relocation.

11. Moreover, the widening of the structure, combined with the creation of a more open-plan space internally, would diminish the legibility of the building's historic plan-form and undermine the hierarchy of the rooms and spaces within it.
12. The proposed replacement door and window are of a size, material and style that do not reflect the existing property. Additionally, the excessive number and non-traditional form of the proposed rooflights cause them to unduly dominate the roofscape of this fairly modest rear addition. In conjunction with the extension, these changes would modify the secondary nature and plain design of the rear structure, leading it to compete with and detract from the main house.
13. Limited details have been provided on the proposed 'breathable insulation', and whilst it may not be a matter for consideration as part of the proposed development, in relation to section 16(2) of the Act, it is one which requires to be considered as part of the proposed works. I also note that no information is before me concerning any structural intervention required as part of the creation of a double width doorway from the main house. Both of these omissions are a concern when assessing the effects of the proposal on the special interest and significance of this designated heritage asset.
14. I note the appellants' insistence that 'the external section of the chimney breast can be designed into a workable scheme if deemed necessary', and that the elements of the rooflights and insulation could be controlled by appropriately worded pre-commencement conditions which they are willing to accept.
15. However, I am mindful that the appeal process should not be used to evolve a scheme and it is important that what is considered by the Inspector is essentially what was considered by the local planning authority, and on which interested people's views were sought³. Furthermore, the National Planning Policy Framework, 2021 (the Framework) is clear that conditions should be kept to a minimum and that conditions which are required to be discharged before development commences should be avoided, unless there is a clear justification⁴. In any event, even if I accepted changes to these elements of the scheme and considered that they could be secured by appropriately worded conditions, they would not be sufficient to overcome the fundamental objections to the removal and change to and/or loss of historic fabric, the dilution of the building's historic plan form and the resultant hierarchical tension between the form and appearance of the main house and the single-storey structure.
16. I am aware that the Council does not object to the addition of an extension to the single-storey structure. However, it is clear that it has objections to both the development and works as proposed. The physical and functional interrelationship between them means that the scheme would not be fully

³ Procedural Guide: Planning appeals – England. Updated 12 April 2022. Annex M.

⁴ National Planning Policy Framework. Paragraph 56.

realised without the grant of both planning permission and listed building consent. As such, this carries little weight in support of the appeals.

17. Drawing all of the above together, I find that the proposal would fail to preserve the Grade II listed building known as Westfield House, or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of Sections 16(2) and 66(1) of the Act. As a result, the proposal would harm the special interest and significance of this designated heritage asset.

Public benefits and balance

18. Paragraph 199 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or from development within its setting and that this should have clear and convincing justification.
19. With reference to Paragraphs 201 and 202 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given the extent and localised nature of the proposal, I find that the harm in this instance would be 'less than substantial'. However, this should not be equated with a less than substantial planning objection and is of considerable importance and weight. Under such circumstances, Paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
20. Mindful of the advice set out within the Planning Practice Guidance, there are elements of the proposal which would be of public benefit⁵. Heritage benefits would accrue from the replacement of the existing roof tiles on the single-storey structure with slates to match the main house. There would be some economic benefits brought about through the investment into the property and the construction phase, with materials and labour being sourced locally where possible. Additionally, social and environmental benefits would be gained in improvements to the local housing stock, particularly through the enhancement of the thermal efficiency of, what is asserted by the appellants to be, a cold and damp room within the house.
21. These outcomes would assist the delivery of the main objectives of the planning system as outlined in the Framework and represent benefits that would flow to the public at large. The scale of the benefits is considerably tempered by the modest extent of the proposal, but still carry moderate weight in favour of the appeals.
22. Nonetheless, the primary outcome of the proposal, in the creation of an enlarged and enhanced space within this part of the house, would solely be of private benefit to the appellants or any future occupants of Westfield House. Although I acknowledge the natural desire of the appellants to adapt the building to their needs, this should not involve development and works that would compromise the building's special interest and significance to an unacceptable degree.

⁵ Planning Practice Guidance, Paragraph: 020 Reference ID: 18a-020-20190723. What is meant by the term public benefits?

23. I note the appellants exploration of various designs prior to their conclusion that the submitted proposal is the most suitable. However, I am not persuaded that the development and works, as proposed, are fundamentally necessary to facilitate the building's use as a family home consistent with 21st century living standards. I am also not convinced that securing some or all of the identified public benefits could not be achieved in a more sympathetic and less harmful way to the significance of the designated heritage asset. Moreover, there is no compelling evidence before me which confirms that the property would not be useable or viable as a dwelling or that its future would be at risk if the appeals were to fail and the proposal was not implemented.
24. In these respects, clear and convincing justification for the harm that would occur to the significance of the designated heritage asset because of the proposal, has not been provided.
25. Whilst I give moderate weight to the recognised public benefits which the proposal would generate, these are not sufficient to outweigh the considerable importance and weight I attach to the harm to the significance of the listed building.
26. Accordingly, the proposal would not preserve the Grade II listed building known as Westfield House, or any features of special architectural or historic interest which it possesses. As such, it would not satisfy the requirements of sections 16(2) and 66(1) of the Act and the provisions within the Framework which seek to conserve and enhance the historic environment.
27. It would also conflict with Policies HP2, HP3 and HS8 of the Harrogate District Local Plan 2014-2035, adopted 2020. Amongst other things, these policies seek to ensure that proposals affecting a heritage asset protect or enhance those features which contribute to its special architectural or historic interest; that development is of a high quality design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the district's local distinctiveness; and that extensions to dwellings have no adverse impact on the character or appearance of the dwelling. It would also not comply with guidance in the Harrogate District Heritage Management Guidance Supplementary Planning Document, 2014, regarding alterations to historic buildings.

Other Matters

28. I am aware that, on the basis that the proposal would not be visible from public vantage points, the Council raised no concerns regarding any effects on the character and appearance of the area, including the Nidderdale Area of Outstanding Natural Beauty. Nonetheless, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained, and an absence of harm in this respect does not amount to a consideration in support of the appeals.
29. I also note that the Council had no issues in relation to any effects of the proposal on the living conditions of neighbours. However, a lack of harm in this regard weighs neither for, nor against, the appeals.
30. Grewelthorpe Parish Council and York Georgian Society both confirmed that they had no objection to the proposal. Nevertheless, this weighs neutrally in the planning balance.

31. I note the appellants' comments relating to the Council's assessment and determination of the applications, in that the effects of the proposal were over exaggerated and that the suggested revisions were unhelpful. However, of themselves, these matters are not for my consideration within the context of the appeals before me.

Conclusions

32. **Appeal A:** The proposed development would conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
33. **Appeal B:** For the reasons given, I conclude that Appeal B should be dismissed.

F Cullen

INSPECTOR