



Appeal Decision

Site visit made on 23 November 2022

by S Brook BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 December 2022

Appeal Ref: APP/G2713/W/22/3302968

35 Market Place, Bedale DL8 1ED

- 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 Mike Smith of Home From Home Yorkshire Limited against the decision of Hambleton District Council.
 - The application Ref 21/02759/FUL, dated 22 November 2021, was refused by notice dated 31 January 2022.
 - The development proposed is described as 'Two one bedroom holiday apartments, in a single self contained block with associated parking including a turning area and gardens to rear of 35 Market Place, Bedale'.
-

Decision

1. The appeal is allowed and planning permission is granted for two one bedroom holiday apartments, in a single self contained block with associated parking including a turning area and gardens to rear of 35 Market Place, Bedale, at 35 Market Place, Bedale DL8 1ED in accordance with the terms of the application, Ref 21/02759/FUL, dated 22 November 2021, and the plans submitted with it, subject to the conditions set out in the attached Schedule.

Preliminary Matters

2. It has been brought to my attention that Hambleton Local Plan, adopted 22 February 2022 (LP), was adopted subsequent to the determination of the planning application subject of this appeal. Relevant policies of the LP replace those referenced in the decision notice from the Local Development Framework Development Plan Document, Core Strategy Adopted 3 April 2007 and the Local Development Framework Development Plan Document, Development Policies, Adopted 26 February 2008. The Council has advised that Policies S7 and E5 have superseded Policies CP16 and DP28. It is mandatory for me to take account of the most relevant and up to date information in reaching a decision and I have therefore dealt with the appeal on this basis. As this change was highlighted in the Council's Statement of Case, the appellant has had the opportunity to comment, and so no main parties have been prejudiced.
3. I am not advised that the Bedale Conservation Area Appraisal, Supplementary Planning Document, Hambleton Local Development Framework, Adopted 21 December 2010 (BCAA), has been superseded or rescinded following adoption of the new LP and so I have had regard to this document in reaching my decision.
4. The submission includes Computer Generated Imagery entitled 'WIL-292-02 render package', which does not appear to have been provided to the Council at application stage. As this information does not amend the scheme, my

consideration of it is not prejudicial to any party with an interest in the outcome of the appeal.

5. As the proposal is in a conservation area, I have paid special attention to the desirability of preserving or enhancing the character and appearance of the CA, as required by section 72 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

6. The main issue is the effect of the proposed development upon the character or appearance of the Bedale Conservation Area (the CA).

Reasons

7. The appeal site is comprised of an enclosed, gravelled parking area and garden at the rear of 35 Market Place. The plans indicate that this area serves two residential units that are partly comprised of the space above commercial uses fronting onto Market Place, which is the main thoroughfare through the town. This host property is three storeys high, with the rear elevation and rear access facing onto the appeal site. The site is accessed from a private car park to the east, accessed off Bridge Street. The surrounding area is a mix of commercial and residential uses. There is a commercial building to the southern boundary of the site, with further single and two storey buildings to the north, beyond a private road.
8. The BCAA indicates that the overlying character of the CA is that of a Georgian market town set out on the layout of the Medieval burgage plots designated in the town charter of 1251. The BCAA advises that the special and historic interest of the CA derives its character from a number of features. Those of particular relevance to this proposal include, the layout of the long narrow "burgage" plots and the Medieval character found to the alleys and buildings to the rear of Market Place, and the prevalent use of local building materials, notably brick and cobblestone walls with pantile or slate roofs. These features are therefore important to the character and appearance of the CA and contribute to its significance as a designated heritage asset. The CA's significance and special interest remains identifiable despite the more modern influence of Bridge Street, which cuts across the burgage plots situated to the east of Market Place, contributing to a more irregular pattern of development.
9. The parties agree that the appeal site has historically been part of a burgage plot, albeit the length of this and other plots to the north and south have been impacted by the introduction of large car parks. However, the historic development of these burgage plots with buildings for a mix of uses, including residential development, set behind and extending back from the principal properties on Market Place at a subservient scale, remains evident. Indeed, I have been provided with examples of historic residential burgage plot development at Fleece Cottages and Albert Row.
10. The proposal would see the introduction of a two-storey building to the rear of 35 Market Place. It would be simple in overall form, set down and subservient in height and scale to the mostly three-storey height of principal properties on Market Place itself. The ridge line would extend east-west. In terms of its scale, form and alignment, the proposal would be similar to a number of other buildings extending back from the properties on Market Place, which share this

simple overall form and alignment. Whilst the commercial building adjoining the southern boundary of the site is single storey only, there are numerous other examples of two storey development within these burgage plots, whilst the Assembly Rooms to the north are significantly higher still.

11. The proposal is for a single building only, rather than a linear or terraced development such as that at Fleece Cottages or Albert Row. However, the development of Bridge Street and modern car parking has cut across these burgage plots and so a more linear form of development is not achievable. However, the extent to which these burgage plots have been developed, is varied. This adhoc nature adds to the character of the area. Therefore, the development of a single building as opposed to a linear form would not be notably out of character for the area and would retain the style and boundaries of burgage plot development. Nor when considering the urban context, do I consider the proposal to constitute an over-intensive development of the site, even when acknowledging the proposed access and parking arrangements. The tight grain of the historic area would remain evident and is a feature that adds to the special interest of the CA.
12. The proposed fenestration provides the main front and rear elevation directed east-west, whereas more historic residential development within these burgage plots has been orientated north-south. However, having walked around the area to the rear of Market Place, a good many of the existing buildings have window openings within the east facing elevation. This is evident within the modern building immediately adjacent to the appeal site and when viewing buildings from the Bridge Street public car park. As such, this aspect of the proposal would not harm the character or appearance of the CA. The use of brick and slate materials would also be in keeping with prevalent local building materials, the full details of which could be secured by the imposition of a suitable condition.
13. I appreciate that the area to the east of the appeal site, around Bridge Street, has a greater degree of openness than other parts of the CA, which arises in part from surface car parking. However, I do not consider that the proposal would appear overly prominent or incongruous because of this. It would sit alongside the existing building to the south, whilst buildings to the north extend further towards Bridge Street. It would have the backdrop of taller buildings on Market Place and it would not encroach onto the private car park itself. Further, the BCAA advises that the Bridge Street car parks are one of a number of 'neutral areas' that neither enhance nor detract from the quality of the CA. It recognises that their siting has disrupted the traditional plot pattern of the area. As such, even if the proposal were considered to harm openness, this is not recognised as a feature that adds to the significance of the CA in any event.
14. Overall, the proposal would respect the historic pattern and scale of development within the area, reinforcing the burgage plot layout, which is one of the key features contributing to the significance of the CA, thereby preserving its character and appearance in an appropriate manner.
15. For the above reasons, the proposal would preserve the character and appearance of the CA. The proposal would therefore comply with LP Policies S7 and E5, which collectively, seek to ensure that those elements which contribute most to the distinctive character of the historic market town of Bedale are

conserved and where appropriate, enhanced. The proposal is also consistent with the National Planning Policy Framework, in terms of conserving heritage assets in a manner appropriate to their significance, ensuring that new developments add to the overall quality of an area, and are sympathetic to the local character.

Other Matters

16. An interested party has raised potential effects upon non-designated heritage assets situated close by and within the CA. The Council has not raised any concerns in this regard. In accordance with my reasoning as set out above, having considered the proposed plans and the relationship of the proposed development to surrounding buildings and their settings, I have no reason to disagree with the Council. Whilst the site lies within the setting of the Assembly Rooms, which is identified as a landmark building within the BCAA, and forms part of the Grade II listed 29-31 Market Place, other smaller buildings already surround it, and so they form an established part of this building's setting. Giving due regard to the provisions of section 66 of the Act, the proposal would see this setting preserved, along with views of this building from Bridge Street.
17. Concerns have also been raised by interested parties in relation to the effect upon the living conditions of existing residents and the practicality of the proposed access and parking. The existing garden appears to be accessible by both existing residential units. The proposal would reduce the amount of external amenity space remaining to these units, whilst providing one parking space for each existing residential unit and one parking space for each proposed holiday let, as well as turning space. Whilst the retained external space for existing residents would be small, I noted during my site visit, that this would not be unusual for residential properties so close to the town centre. Other dwellings to the north, such as the relatively modern terrace at Bridgegate Mews, have only very small external amenity areas. As such, I do not find the proposal unacceptably harmful in this regard.
18. The Highway Authority has raised no objection to the access and parking arrangements proposed. I have been provided with no information to suggest that the access and parking provision would be inadequate or that it would result in safety issues.

Conditions

19. I have had regard to the conditions suggested by the Council and I note the appellant's agreement to the conditions suggested. Therefore, I have imposed a condition specifying the approved plans as this provides certainty. I have also imposed a condition requiring matching materials to safeguard the character and appearance of the CA. I have included a suggested condition relating to finished floor levels given the sensitivity of the location within the CA.
20. In the interests of highway safety and as I have no information as to the availability of alternative long stay parking in the locality, a condition is necessary to secure and then retain the parking and turning provision on site.
21. The holiday units would be dwellinghouses, however the submitted scheme and my assessments have been based on the units providing holiday accommodation only. It is therefore reasonable and necessary to impose a condition limiting occupancy.

Conclusion

22. For the reasons outlined above, having had regard to the development plan as a whole and all other material considerations raised, the appeal should be allowed.

S Brook

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: UPL/479/02/001, UPL/479/02/003 and UPL/479/02/004.
- 3) No above ground construction work shall be undertaken until details of the materials to be used in the construction of the external surfaces of the development have been submitted in writing to the Local Planning Authority for approval, samples have been made available on the application site for inspection (and the Local Planning Authority have been advised that the materials are on site), and the materials have been approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details and samples.
- 4) Prior to construction of any building or any regrading of land commencing, detailed cross sections shall be submitted to and approved in writing by the Local Planning Authority, showing the existing ground levels in relation to the proposed ground and finished floor levels for the development and the relationship to adjacent development. The levels shall relate to a fixed Ordnance Datum. The development shall be constructed in accordance with the approved details and thereafter be retained in the approved form.
- 5) No part of the development shall be brought into use until the access, parking, manoeuvring and turning areas for all users have been constructed in accordance with drawing number UPL/479/02/004. Once constructed, these areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 6) The occupation of the accommodation hereby permitted shall be as follows:
 - (i) the holiday accommodation is occupied for holiday purposes only.
 - (ii) the holiday accommodation shall not be occupied as a person's sole, or main place of residence.
 - (iii) the owners/operators of the holiday accommodation shall maintain an up-to-date register of the names of all occupiers of the holiday accommodation on the site and of their main home addresses and shall make this information available at all reasonable times to the Local Planning Authority.