



Appeal Decision

Site visit made on 4 January 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 January 2023

Appeal Ref: APP/G2713/D/22/3308108

Mill Rise, Road from Thistle Hill Track to Balk, Balk, North Yorkshire YO7 2AJ

- 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 Miss Annabel Barker against the decision of Hambleton District Council.
 - The application Ref 22/01282/FUL, dated 24 May 2022, was refused by notice dated 5 September 2022.
 - The development is garden wall replacing existing boundary wall with two entrances and a side gate.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The development has been largely completed. I have dealt with the appeal based on the submitted plans, which align with what I saw has been installed on the boundaries of the appeal property.

Main Issues

3. The main issues are the effects of the development on:
 - the character and appearance of the area including the setting of the nearby listed building; and
 - highway safety.

Reasons

Character and Appearance including Setting of Listed Building

4. From the evidence before me I understand that the previous boundary treatment, now removed, comprised a brick entrance with steel gates and wooden/wire fencing. The boundary treatment fronting onto the road through Balk has been replaced by a breeze block wall with slatted wood inserts and stone copings set back slightly from the edge of the road. The wall has two gaps to provide vehicle entrances to the appeal property. It would have a white render finish, and the two driveway and side entrance gates would be constructed from wood.
5. The front boundary features in the vicinity of the appeal property mainly comprise hedging and relatively low brick or stone walls. As a result, the street

scene has an open and verdant character and appearance that complements the surrounding rural landscape.

6. The property is in a prominent location within Balk, fronting onto the road through the settlement. It adjoins Mill House. Park House is adjoined to the other side of Mill House. These two properties together are a Grade II listed building. The significance of the listed building as it relates to the development is mainly derived from the evidence it provides of the architectural style and building techniques of the time. The location of the listed building within the settlement and its relationship with other nearby properties, including the appeal property, provide a positive contribution to its aesthetic and historic setting.
7. The wall that has been constructed to the front of the appeal property is clearly visible in views when approaching from the west, although it is less prominent when approaching from the east until in closer proximity due mainly to the screening provided by the neighbouring property's boundary treatment. The wall is visible in the same view as the listed building.
8. Policy E1 of the Hambleton Local Plan, adopted 2022 (the Local Plan) expects all developments to be of a high quality, integrating successfully with its surroundings and respecting and contributing positively to local character. Policy S1 of the Local Plan also seeks to ensure that development enhances the environment, while Local Plan Policies E5 and S7 set out the requirements for proposals affecting heritage assets and their setting.
9. Accordingly, in locations such as this, where the boundary feature is clearly visible within the street scene and within the setting of a listed building, its form needs to be sensitive to its context.
10. However, the wall draws the eye as an incongruous feature in the street scene. This is because of its height in such close proximity to the road, its more contemporary appearance and the materials used, which contrast markedly with the other boundary treatments in the area as well as the buildings within the settlement which are predominantly traditional in character and constructed from brick. Furthermore, while noting the use of timber insets, the wall nevertheless has quite a solid appearance due to its height and location, which detracts from the open and verdant character of the street scene.
11. The appellant has highlighted examples of boundary treatments in the vicinity that it is contended are of a similar height to the wall. Although the hedge at the neighbouring property is quite tall, its soft and natural quality reinforces the verdant and rural character of the area. The walls at the entrance to the buildings almost opposite the appeal property and at the other end of Balk may be of a similar height. However, they are set further back from the highway and are constructed from brick which is consistent with the palette of materials within the settlement, and so they do not appear as inharmonious features.
12. Irrespective of the render on the gable of the appeal property and the extension on the adjoining property, for the reasons stated, the development does not assimilate well with its surroundings. As such, I conclude that it causes unacceptable harm to the character and appearance of the area. The development therefore conflicts with the requirements of Policies S1 and E1 of the Local Plan as summarised above, and the design objectives of the National

Planning Policy Framework (the Framework), which seek to ensure that development is sympathetic to local character amongst other matters.

13. For the same reasons, the wall, due to its contemporary design, materials and positioning, does not sit comfortably within the setting of the nearby listed building. It draws the eye away from the listed building and visually distracts from its setting. It would therefore cause harm to its significance. In terms of the Framework, I assess the harm as less than substantial. Even so, this harm is of considerable importance and weight. In such circumstances, the Framework advises that the harm should be weighed against the public benefits of the proposal.
14. While appreciating the appellant's desire for additional privacy and security and that the wall and timber insets are maintenance free, these do not amount to public benefits. The additional vehicle entrance that has been created may have improved highway manoeuvrability. Nevertheless, as set out below, I have found that the visibility at both vehicle entrances results in an unacceptable risk to highway safety. The low level lighting to the road facing side of the wall may be considered a public benefit as it provides some limited lighting for pedestrians and other road users in an area with no street lighting. However, it does not represent 'clear and convincing justification' for harm to or loss of significance of the designated heritage asset as required by paragraph 200 of the Framework, nor does it outweigh the 'great weight' that paragraph 199 states should be given to the asset's conservation.
15. In the absence of public benefits that outweigh the harm caused to the setting of the nearby listed building, the development conflicts with the requirements of Policies S7 and E5 of the Local Plan and the historic environment objectives of the Framework, the most relevant of which have been summarised above.

Highway Safety

16. The Council's evidence states that on a road which is subject to the national speed limit of 60mph, which the road through Balk is in the vicinity of the site, the visibility at the vehicle entrances to the property should be 120 metres from a point two metres from the carriageway edge in both directions. The Highway Authority estimates that the new vehicle entrance has a visibility of 5.5 metres at a point two metres from the carriageway edge and slightly less at the existing one.
17. I appreciate that the new vehicle entrance that has been created may have eliminated the need to reverse to/from the property. Nevertheless, based on the evidence submitted and my own observations, it is clear that, due to its height and position, the wall impedes visibility for the vehicle entrances in both directions. As a result, visibility is significantly below the required distance. It is therefore highly unlikely that a driver exiting the property even in a forward direction would have a full view of the road until after the vehicle has manoeuvred onto it. There is also a risk of vehicles exiting the property being unseen by drivers travelling along the road through the settlement at speed until the last moment.
18. I therefore conclude that the development presents an unacceptable risk to highway safety. Consequently, it conflicts with Policy IC2 of the Local Plan which is supportive of proposals only where highway safety would not be

compromised and safe physical access can be provided amongst other considerations.

Other Matters

19. There appears to be a dispute between the parties about whether the wall has been constructed on land that forms part of the highway. Given my overall conclusions on this appeal, it is not necessary for me to reach a finding on this matter.
20. I note the appellant's point regarding the Council's handling of the case. However, in determining this appeal, I am only able to have regard to its planning merits.

Conclusion

21. The development conflicts with the development plan taken as a whole as well as the Framework. There are no material considerations 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