



Appeal Decision

Site visit made on 16 May 2023

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 May 2023

Appeal Ref: APP/Y2736/D/23/3318142

Cherry Garth, Page Lane, Wombledon, Kirbymoorside, North Yorkshire YO62 7SE

- 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 Alex Dodson against the decision of Ryedale District Council.
 - The application Ref 22/00933/HOUSE, dated 15 August 2022, was refused by notice dated 22 December 2022.
 - The development proposed is the siting of car port in domestic curtilage.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 April 2023 Ryedale District Council merged with a number of other Councils to form a new Unitary Authority known as North Yorkshire Council. Regulation 26 of The Local Government (Boundary Changes) Regulations 2018, allows for any extant development plans to have effect as if adopted by the new Unitary Authority until such time as the new Unitary Authority adopts a plan covering the whole of its area. For the purposes of this appeal, the development plan comprises the Ryedale Local Plan Strategy 2013 (LPS).
3. In accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have given special regard to the desirability of preserving Wombledon Village Hall or its setting or any features of special architectural or historic interest which it possesses.
4. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or appearance of the Wombledon Conservation Area.

Main Issues

5. The main issues are the effect of the proposed development on (i) the setting of Wombledon Village Hall and (ii) the character and appearance of the Wombledon Conservation Area (CA).

Reasons

Listed Building

6. The village hall is a Grade II Listed Building. Its significance is as a historical local building, formerly a school, with architectural features also noted in its

listing. It sits in a prominent position on the edge of the road on Page Lane and is the focal point of the street scene. The frontage of the appeal site has a visual link to the village hall, due to its positioning adjacent to it and this relationship forms part of the key views of the listed building, in particular those taken close to the corner of Page Lane and Flatts Lane. From there, the open nature of the frontage allows clear views of the listed building and ensures that it has a dominance in the street scene. The frontage of the appeal dwelling therefore forms part of the setting of the listed building.

7. The introduction of the proposed car port would compromise the setting of the listed building in views from the south by introducing a large built form to the front of the appeal dwelling. Due to its positioning and its size, the proposal would appear as a visually dominant feature in views taken towards the village hall. It would as a result both detract from the visual appreciation of the village hall in the street scene and draw attention away from it. As a result of these impacts, harm would be caused to the setting of the listed building.
8. There are extensions to the south side of the listed building, with that to the rear being described in the listing description as not of special interest. It is also evident that development that has already taken place to the north of the listed building has had some impact on its setting. However, despite these considerations, the village hall retains its visual importance in the street scene. Whilst there is no evidence of a historic or functional link between the village hall and the appeal site, and there is a driveway and landscaping located between the two, I have found there to be a strong visual relationship and that this would be harmed by what is proposed.
9. The proposal has been sited and designed to reduce the impact on the listed building, including by setting it back into the appeal site closer to the dwelling, by reducing its height to one equivalent to the village hall extensions, by the use of a hipped roof to reduce its bulk, by using traditional materials and by making it open fronted to allow transparency. Whilst these considerations would help to reduce the impact caused, they would not remove the overall harm resulting from the positioning and size of the proposed car port. The proposal would not affect the viable use of the listed building, but that does not overcome the harm that would occur to its setting.
10. For these reasons, the proposal would fail to preserve the setting of the listed building and would be contrary to Policy SP12 of the LPS, which seeks to protect heritage assets. There would also be a conflict with the aims of the National Planning Policy Framework (the Framework) in the same respect.

Conservation Area

11. The significance of the CA in Wombledon arises from the arrangement of buildings in relation to the parallel roads of Back Lane, Main Street and Page Lane. In the part of the CA where the appeal site is located, the dwellings on the same side of the road as the appeal property vary in age, design and positioning relative to Page Lane. Nonetheless, those to the south of the village hall collectively make a positive contribution to the character and appearance of the CA, in particular due to their positionings and the open spaces to their frontages.
12. The proposed car port would be unusual in that it would be a large outbuilding to the front of its host dwelling. This would not be typical of the arrangement of

the built form of other outbuildings in the locality. Whilst there are dwellings located on the back edge of the road or closer to it further up Page Lane, the appeal proposal would considerably erode the spaciousness of the large frontage that is common on this specific section of Page Lane. Although the adjacent dwelling at Holmwood does have a detached garage beyond its front elevation, this is situated to the rear of the village hall and is not comparable in its position to the appeal proposal.

13. The proposed development would as a result be an incongruous addition to the locality and would significantly erode the open frontage of the appeal site, which currently makes a positive contribution to the CA. This would cause harm to the CA, failing to preserve its character and appearance. Consequently, the proposal would be contrary to Policies SP12 and SP16 of the LPS, which seek to protect heritage assets and reinforce local distinctiveness. There would also be a conflict with the aims of the Framework in the same respects.

Planning Balance and Conclusion

14. I have found that the proposed development would not preserve the setting of the listed village hall and would fail to preserve the character and appearance of the CA. Given the nature of the proposed development and that the harm would be localised, I consider that less than substantial harm to the listed building and CA would arise. Nonetheless, in light of the statutory duties that relate to these designated heritage assets, the harm that would be caused carries considerable importance and weight in the planning balance of this appeal.
15. Paragraph 202 of the Framework states that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal.
16. In that respect, the appellant states that whilst there would be some green space removed to allow for the proposed car port, an area that is currently tarmacked would become a grassed area, and a pebble driveway would ensure that no surface water would seep onto the highway. Landscaping and biodiversity net gain could be secured by way of a planning condition. There may also be some economic and socio-economic gains arising directly from the proposal. However, whilst all of these would be public benefits, given the existing situation and what is proposed, they would be limited in their scope.
17. The appellant suggests that the proposal would provide a benefit in terms of allowing vehicles to leave the site in a forward gear. Although the access is located close to the bend on the corner of Page Lane and Flatts Lane, these do not appear to be heavily trafficked roads and I have not been provided with any substantive evidence to suggest that there is a highway safety concern relating to the access. There is also some existing provision on the site to allow vehicles to turn, thus avoiding the need to reverse out onto the public highway. I am not persuaded therefore that a public benefit would arise in terms of addressing a highway safety issue.
18. Interested persons that made representations during the planning application consider that there would be benefits from the concealing of cars under the car port and reference is also made to parking taking place on Page Lane. However, cars would still be visible in the open fronted car port, and it is not clear in what respect there would be a benefit with regards to parking on Page

Lane. These would not therefore be public benefits. I acknowledge the proposal would include storage space outside of the dwelling to meet the needs of the appellant, but this does not in itself represent a public benefit.

19. It is evident that there is support from a number of local residents for the proposal, including from those who occupy the dwellings next to the appeal site. This includes reference to the quality of works that have already taken place at the appeal property itself and that the proposed car port would be of a good design and use appropriate materials. Although there are some public benefits in these considerations, they are lessened because such quality thresholds would normally be expected to be achieved in a CA. The appellant states that the proposal would allow the dwelling to be brought back into use, but there is no information to suggest that this could, or would, only occur if the car port were to be permitted.
20. In conclusion, the proposal would be contrary to the development plan and the harm caused to the listed building and CA, which carries considerable importance and weight, would not be outweighed by public benefits. Therefore, having regard to the development plan, the statutory requirements set out in Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and to paragraph 202 of the Framework, the appeal should be dismissed.

Graham Wraight

INSPECTOR