



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: 5th June 2023

Appeal Ref: APP/E2734/D/23/3319898

Bilton Brow, Church Street, Bilton in Ainsty, North Yorkshire YO26 7NN

- 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 and Mrs James and Amy Firth against the decision of Harrogate Borough Council.
 - The application Ref 22/03938/FUL, dated 12 October 2022, was refused by notice dated 27 February 2023.
 - The development proposed was originally described as the erection of double garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached double garage, parking slab and formation of driveway at Bilton Brow, Church Street, Bilton in Ainsty, North Yorkshire YO26 7NN in accordance with the terms of the application, Ref 22/03938/FUL, dated 12 October 2022, subject to the following 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: Site Location Plan, Proposed Site Plan for New Garage & Landscaping drawing F7-2F, and New Garage Details drawing F7-5G.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) No development shall take place until an Arboricultural Method Statement (AMS) relating to the trees, shrubs and planting shown on the approved plans to be retained, has been submitted to and approved in writing by the local planning authority. The AMS shall be undertaken in accordance with the requirements of British Standard BS 5837: 2012 (section 6.1) Trees in relation to design, demolition and construction – Recommendations (or any subsequent amendments to that document). The development shall be carried out in accordance with the approved AMS.
 - 5) No development shall take place until a scheme, by a qualified structural engineer, for the foundation details and general building structure has been submitted to and approved in writing by the local planning authority. The scheme shall ensure that tree roots are retained, and that the building is protected against root activity related movement in the

future. The development shall be carried out in accordance with the approved details.

- 6) Before the development is first brought into use, a detailed scheme of landscaping, including the planting of trees and/or shrubs, shall be submitted to and approved in writing by the local planning authority. The scheme shall specify species, tree and plant sizes, number and planting densities and an implementation programme, including any earthworks required. All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in accordance with the approved implementation programme and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

Preliminary Matters

2. On 1 April 2023 Harrogate Borough 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 Harrogate District Local Plan 2020 (LP).
3. 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 Bilton in Ainsty Conservation Area.
4. 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 Bilton Brow or its setting or any features of special architectural or historic interest which it possesses.
5. The development was described on the planning application form as the erection of a double garage. However, on the decision notice the description was expanded to include a parking slab and the formation of a driveway. That description is the one given on the appeal form submitted by the appellant. As it more accurately describes the full extent of what is shown on the plans submitted, I have used that description in the formal decision.

Main Issues

6. The main issues are the effect of the proposed development on (i) the character and appearance of the Bilton in Ainsty Conservation Area (CA) and (ii) the setting of Bilton Brow, a Grade II Listed Building.

Reasons

Conservation Area

7. The significance of the CA centres around the form of the historic built development, including its relationships to its rural surroundings, to the large parkland of Bilton Hall and to St Helen's Church. In the part of the CA in which the appeal dwelling is located, properties are found in relatively large plots, set back from the road with walls and/or established vegetation to their front

boundaries. As a whole, this creates a spacious feel and contributes positively to the character and appearance of the CA.

8. Bilton Brow is orientated so that its side elevation faces towards Church Street. Between the dwelling and the public highway there is a large frontage which provides a driveway into the site. Views along the driveway take in a mature Copper Beech tree subject to a tree preservation order and, behind it, the side elevation of the dwelling. The area between the dwelling at Bilton Brow and Church Street is identified as an area of important open space in the Conservation Area Character Appraisal 2009 (CACA).
9. The proposed garage would be constructed within this frontage and elevated above Church Street due to the topography of the surrounding land. Whilst there is an abundance of established vegetation to the front boundary of the appeal site, some views of the proposal would still be possible from the area close to the junction with Post Office Row. Furthermore, in winter months it is likely that this screening would be less effective than at the time of my site visit. There would therefore be a degree of visibility possible of the proposed development from outside of the site and, in some views, this would be taken against the side elevation of Bilton Brow.
10. However, the proposal would be comparatively small in size in relation to both the extent of the site frontage and the large expanse of built form that forms the side elevation of the dwelling. It would be offset from its host dwelling and not directly in front of it, with a setback from the road similar to the setback of the dwellings at The Old Vicarage and Ainsty Cottage, which share boundaries with the appeal site. The area of important open space identified in the CACA would largely be retained. It is also of relevance that views of the side elevation are already considerably interrupted by the presence of the protected Copper Beech tree. The proposed reconfiguration of the driveway would not have a perceptible impact on the CA, nor would the proposed parking slab.
11. In such a context, I conclude that the proposal would not have a dominant or harmful impact on the character and appearance of the CA. The character and appearance of the CA would therefore be preserved. Consequently, there would be no conflict with Policies HP2 and HP3 of the LP where they seek to protect heritage assets and maintain local distinctiveness. There would also be no conflict with the aims of the CACA or the National Planning Policy Framework (the Framework) in the same respects.

Listed Building

12. Bilton Brow has historical significance as a former vicarage, having been constructed to replace the original vicarage which remains on the site immediately adjacent to the appeal site. The proposed garage would have no impact on this historical significance. The architectural features of Bilton Brow are noted in the listing description, however as its side elevation faces Church Street, the grandeur of the building when approaching up the driveway is less readily appreciated than when viewed from the south or west. In addition, there is the presence of the aforementioned Copper Beech tree which considerably obstructs views of the side elevation taken from the driveway.
13. The proposed garage would be set close to the side boundary of the site with Ainsty Cottage. In such a location it would be visible on the approach up the driveway to the dwelling and from some views outside of the appeal site, and it

would fall within the setting of the listed building. However, due to its offset positioning and its limited size, it would not unduly draw attention away from the dwelling or be a dominant structure that would visually compete with its side elevation. It would also have no significant impact on views taken of the front elevation of Bilton Brow, which is the more imposing of its elevations.

14. The change to the surface of the frontage would reduce the amount of grass and increase the amount of gravel surfacing. However, the plans show there would be an area of new grass created on part of the existing driveway. At present, the frontage of Bilton Brow is laid out primarily to provide parking and turning facilities for vehicles, and not as a formal garden area. In light of this, the proposed reconfiguration of the driveway would not cause harm to the setting of the listed building. The parking slab would be behind the proposed garage and would be of a limited size, meaning it too would not cause harm to the setting of the building.
15. For these reasons, the proposed development would not harm the setting of Bilton Brow. It would therefore preserve its setting and there would be no conflict with Policy HP2 of the LP where it seeks to protect heritage assets. There would also be no conflict with the aims of the Framework in the same regard.

Conditions

16. Conditions relating to the time period to commence development and the approved plans are necessary to provide certainty. A condition requiring the use of materials to match those of the listed building is necessary to ensure an appropriate visual relationship. Conditions relating to the submission of an Arboricultural Method Statement and foundation details are required to ensure that trees are protected during construction.
17. A condition requiring a landscaping scheme is necessary to ensure that a satisfactory visual appearance is achieved, as trees would be removed to facilitate the proposed development. Whilst the appellant has queried the precise requirements of such a condition in the context of the large red line site area, it would be expected that the landscaping scheme would only need to be proportionate to the scale of development that is proposed and the area in which it would take place.

Conclusion

18. For the reasons given above, I conclude that the appeal should be allowed.

Graham Wraight

INSPECTOR