



Appeal Decision

Site visit made on 6 June 2023

by D Moore BSc (HONS), MCD, PGDip, MRTPI, IHBC

an Inspector appointed by the Secretary of State

Decision date: 19 June 2023

Appeal Ref: APP/C2741/D/22/3308603

25 Shipton Road, Clifton, York YO30 5RE

- 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 Alexander Marr against the decision of City of York Council.
 - The application Ref 21/02480/FUL, dated 5 November 2021, was refused by notice dated 20 September 2022.
 - The development proposed is the excavation and repurposing of existing basement to create habitable area.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal relates to a listed building and is in a Conservation Area, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. I note that an application for listed building consent for the works (Ref 21/02481/LBC) was also refused but a related appeal against that decision is not before me.

Main Issues

4. The main issues are whether the proposal would preserve a Grade II listed building, 25 Shipton Road, and any of the features of special architectural or historic interest that it possesses and the extent to which it would preserve or enhance the character or appearance of the Clifton Conservation Area.

Reasons

5. The building was listed in 1983 (Ref 1256627) and dates from the nineteenth century, with later additions and alterations. It has an elegant symmetrical form, comprising two storeys and three bays, with a hipped slate roof. The appellant's Heritage Statement (April 2022) explains the property was developed on the site of a former brickyard, and it seems likely that the handmade bricks used to build parts of the house were manufactured there. Also, the property has historic associations with the Rowntree family as former occupants.
6. The house was constructed with multiple brick sleeper walls, placed directly onto packed earth over the natural clay. The joists were built into the upper part of the sleeper walls creating chambers or crawl spaces, which can be accessed through small hatches in the brickwork to allow for inspection and to

assist ventilation. The cellar including the stairs, the wine and coal cellars, storage space and crawl spaces are contemporary with the earliest phase of the house.

7. I find the special interest of the listed building, insofar as it relates to this appeal, to be primarily associated with its historical connections with a defined period of growth in York, its associations with a noteworthy local family and its nineteenth century architecture, form and method of construction.
8. The Conservation Area is focussed on the historic rural village of Clifton and extends south-east to meet the City's central historic core, and northwards along Shipton Road which is a major route into York. The Conservation Area is characterised in part by Regency/Victorian villas, many of which are situated within extensive grounds. I consider the significance of the Conservation Area to be primarily associated with its street layout, and the style and architecture of the buildings, which together show the evolution of the settlement from a rural village to a prosperous suburb of York. The property lies towards the northern boundary of the Conservation Area and is an example of one of the villa-type houses set within extensive grounds. Consequently, it makes a positive contribution to the area's character and appearance.
9. The adjacent semi-detached properties are listed grade II, as is the Former Coach House to No 25, which are contemporary with the house. The properties have significance for their group value, among other things, and the appeal property makes a positive contribution to their settings. The presentation of the house and its contribution to the Conservation Area and setting to the adjacent listed buildings will be unaffected by the proposal. However, I must also consider the effect of the proposal on the appeal building's special architectural or historic interest.
10. The development would comprise excavation, extension and repurposing the existing cellar to create additional living space. The majority of the sleeper walls and the access hatches to crawl spaces would be removed along with the earth floor. The current layout of the cellar stairs, coal and wine cellars would be retained along with the coal chute and shelving.
11. The appellant acknowledges that the proposal will result in the loss of original fabric, which is known to be contemporary with the earliest phase of the house and is likely to have connections with site's history of brickmaking. In addition, the distinctive form and method of construction of the house would be materially affected, making it less easy to interpret the heritage asset, its historic building form and how it was used. Therefore, the development would have an adverse impact on the special interest of the listed building and the features that contribute to its significance.
12. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets or from development within their setting and that this should have a clear and convincing justification. Given the localised impact, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.

13. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal, which includes the securing of optimal viable use of listed buildings. The appellant is of the opinion that the proposal would be beneficial because it will lead to the creation of additional living space which does compromise the external appearance or setting of the property. However, these are private benefits and are not sufficient to outweigh the harm that I have identified. The continued viable use of the appeal property as a residential dwelling is not dependent on the proposal as the building has an ongoing residential use that would not cease in its absence.
14. Given the above and in the absence of any defined substantiated public benefit, I conclude that, on balance, the proposal would fail to preserve the special architectural and historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 197 of the Framework and conflict with policy D5 of the Publication Draft Local Plan (2018) that seeks, among other things, to ensure the preservation of listed buildings.

Conclusion

15. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed

Debbie Moore

Inspector