



Appeal Decisions

Site visit made on 3 October 2023

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 October 2023

Appeal A Ref: APP/E2734/W/23/3322294

Wood Close, Main Street, Ripley, Harrogate, North Yorkshire HG3 3AX

- 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 Sir Thomas Ingilby against the decision of Harrogate Borough Council.
 - The application Ref 22/01794/FUL, dated 3 May 2022, was refused by notice dated 23 February 2023.
 - The development proposed is the erection of a single storey rear extension, removal of toilet attached to rear elevation, and various internal alterations.
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Appeal B Ref: APP/E2734/Y/23/3322300

Wood Close, Main Street, Ripley, Harrogate, North Yorkshire HG3 3AX

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Sir Thomas Ingilby against the decision of Harrogate Borough Council.
 - The application Ref 22/01795/LB, dated 3 May 2022, was refused by notice dated 23 February 2023.
 - The works proposed are the erection of a single storey rear extension, removal of toilet attached to rear elevation, and various internal alterations.
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Decisions

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

Preliminary Matters

3. These decisions address both planning and listed building consent appeals for the same site and the same scheme. To reduce repetition, and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter using the description of the development/works from the Council's decision notices which accurately describe the proposal.
4. The appellant has submitted a new drawing (No 242044-PUR-00-XX-DR-A-2000 rev 5) showing amendments to the proposed plans and elevations as part of the appeals. The appeals process should not be used to progress alternatives to a scheme that has been refused. However, where amendments are proposed, regard should be had to the 'Wheatcroft' principles - including whether the amendments would materially alter the nature of the application and whether anyone who should have been consulted on the changed scheme would be deprived of that opportunity.
5. In this instance, the changes are small, and include the position of a flue on the rear roof slope and amended details of the waste pipe from the first floor

ensuite to the basement. In my view, the amendments would not materially alter the proposal such that to grant it would result in a scheme substantially different from that previously consulted upon. As such, I find that there is no prejudice that would justify re-consultation. In these circumstances, I see no material conflict with the Wheatcroft principles. Moreover, there has also been an opportunity to comment on the amendments as part of the appeal. I have therefore taken the amended plan into consideration.

6. As the proposal is in a conservation area and relates to a listed building, I have had special regard to sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

7. The main issue is whether the proposal would preserve a Grade II listed building, known as Village Shop, Wath House, Wood Close, and any features of special architectural or historic interest which it possesses and the extent to which it would preserve or enhance the character or appearance of the Ripley Conservation Area.

Reasons

Special interest and significance

8. Wood Close is a mid-terrace property constructed with stone and a slate roof dating to the early to mid-nineteenth century. The property is two-storeys high, with a basement level and forms part of the grade II listed building, known as Village Shop, Wath House, Wood Close. The consistency within the terrace, and the Gothick/Tudor vernacular of its front facade give the listed building a dignified appearance, which forms an attractive architectural set piece in a prominent location in the village.
9. Internally, the original plan form in Wood Close remains legible. The property is laid out with a central hallway and landing with modest sized rooms accessed off it. This simple and functional plan form and lack of grandeur internally, reflects its historical function as estate workers housing. Even so, there is a distinct hierarchy of rooms with the two principal rooms to the front on the ground floor being larger and served by a chimney breast in contrast with the smaller secondary rooms to the rear.
10. To the rear, there have been several alterations and extensions, including a long contemporary single storey extension at Wath House and a two-storey extension to the rear of the Village Shop. The appeal property also has rear extensions in the form of a mono-pitched W.C extension and a narrow pitched roof off-shoot that extends considerably along the side boundary. Moreover, there is evidence submitted as part of the appeal of past built form to the rear of the property associated with the former children's nursery use. This structure has since been removed. Despite the variation in alterations and extensions to the listed building, there is a broad rhythm and regularity to the rear elevation's stone to void ratio of the fenestration.
11. The appeal property has undergone alterations in the past and it is currently vacant following the closure of the nursery business that previously operated from the premises and is in a somewhat neglected condition. Nonetheless, from the evidence before me, its special interest and significance in so far as it relates to these appeals are largely derived from its historic and architectural

interests. Its historic interest primarily results from its age and illustration of early to mid-19th century domestic architecture and its close association with Sir William Amcotts Ingilby, as part of a terrace of estate workers housing in the model village.

12. Its architectural interest mainly stems from the attractive form and design of its Gothick/Tudor frontage, as well as the contribution it makes to the harmonious composition of the wider townscape, emphasising its value as an integral element of a group of listed buildings. Moreover, the status differentiation reflected in the building's front and rear elevations, the legibility of the historic architectural features of the rear elevation, the readability of its extant historic plan-form and its surviving historic fabric also contribute.
13. The Ripley Conservation Area (CA) encompasses the model village constructed under the control of Sir William Amcotts Ingilby. The appeal property is positioned prominently along Main Street and is highly visible within the market square area. This part of the CA is characterised by buildings constructed from high quality traditional materials in a Gothick style. In addition, and notwithstanding that they may not be visible from the public realm, the contrasting functional secondary rear elevations contribute to the character, appearance, and significance of the CA, albeit to a small degree. The special interest/significance of the listed building therefore contributes positively to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.

Appeal proposal and effects

14. The proposed extension would project from the main rear façade of the dwelling by approximately 8.5m, creating a large open and spacious room. It would be subservient in height and would be of a size that would not be disproportionate to existing rear offshoots that form part of the listed building's character at the rear. Nonetheless, the size of the proposed kitchen room and its open spacious qualities would weaken the hierarchical importance of the front ground floor rooms.
15. The external design of the extension with its extensive glazing including to the apex of the gable would be a striking feature, that would be at odds with the solid to void ratio of the listed building. This would be exacerbated by the modern appearance of the windows and patio doors due to their proportions, thick timber framing and the extent of glazing. Overall, the proposed extension would not harmonise with the traditional appearance of the historic rear elevation of the building. For these reasons, whilst the proposed extension would be physically subordinate to the host property, it would not be visually subordinate as it would compete visually with the simpler rear façade when viewed from the rear garden.
16. The extension at Wath House is similarly designed to the appeal proposal and forms part of the existing listed building. However, its expansive glazing and thick timber framing are striking features that do not assimilate well with the solid to void ratio, fenestration, and materials of the listed building. In this regard, by replicating a similar design in close proximity the proposal would exacerbate the visual impact of the existing extension. Therefore, even though the addition of rear projections is part of the building's narrative, and the use of timber is a traditional material such as in windows, they do not justify the acceptance of the identified harm from this proposal.

17. The proposed ensuite shower room would involve a limited amount of boxing in of the pipework, with most pipework being concealed within the plastered internal face of the external wall. The pipework would then run down to the basement level where it would connect with the existing pipework in the basement. There would also be some limited loss of historic fabric from the installation of the flue through to the rear roof slope and the installation of a new doorway into bedroom three. The concealed (jib) door design would help minimise the harm to the appearance of the internal elevation of the bedroom wall. Although these elements do not hold a high degree of architectural interest, the permanent loss of historic fabric and erosion of the original plan form to an overtly modern arrangement of the bedroom with an attached ensuite would also be harmful.
18. Moreover, I share the York Georgian Society's concerns regarding the opening of the ground floor plan. Although the comments related to an earlier iteration of the scheme, it is not irrelevant for the revised plans given that they would still open the ground floor plan albeit to a lesser degree. The combination of the loss of historic fabric from the two new enlarged openings, the weakening of the legibility of the intact historical two room layout, and the increased circulation and sense of spaciousness from the front dining area through to the large kitchen extension, would be harmful.
19. On balance, considering the existing intact arrangement, even with appropriate joinery/plasterwork, the internal reconfiguration to the layout on the ground and first floors would have a minor harmful impact on the historical and architectural interest of the building.
20. The replacement of the outbuilding's roof with a slate roof, re-introduction of the former door leading to the outbuilding, removal of the mono-pitched W.C extension, the refurbishment of the windows and other refurbishment works specified in the comprehensive schedule of works, including those to the front would all be positive elements. The flue positioned on the rear roof slope would be a modest installation set well below the ridgeline and subservient to the chimney. Its slender appearance would not harm the architectural interest of the property. The absence of harm in relation to this, or other aspects such as the enlarged access to the roof void and retained sense of space within the rear garden, are neutral matters.
21. Change to a heritage asset does not automatically result in harm to its significance. It can also be positive or neutral and it only becomes harmful if the identified special interest is eroded. Also, conservation is an active process of managing change to heritage assets in ways that sustain, reveal, or reinforce their heritage interests. In this instance, although finely balanced, even with its positive elements, the proposal would have a harmfully erosive effect on the architectural integrity and special interest of the listed building. As such, the proposal would not conserve this designated heritage asset in a manner appropriate to its significance.
22. The harmful elements of the proposal would be hidden from views from Main Street, and as such the attractive streetscape that forms this part of the CA would not be materially affected. Moreover, there would be some very small improvements from the refurbishment to the front façade that would benefit to a very small degree the streetscape in the CA. However, the proposed rear extension would be highly conspicuous and readily perceived from the private

domain of adjacent properties. In this regard, it would be reasonable to conclude that the incremental and harmful alteration from the proposed extension, would also weaken the character and appearance of the CA as a whole, albeit very modestly.

23. Drawing the above together, the proposal would fail to preserve the special interest of the Grade II listed building, and would fail to preserve or enhance the character and appearance of the CA. As a result, the expectations of the Act have not been met and the proposal would harm the significance of these designated heritage assets.

Public benefits and heritage balance

24. Paragraph 199 of the revised National Planning Policy Framework (the Framework) (2023) advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 200 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
25. With reference to paragraphs 201 and 202 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. In this instance, the harm to the listed building and the CA would be 'less than substantial'. Nevertheless, any harm is of considerable importance and weight. Under such circumstances, paragraph 202 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the asset's optimum viable use.
26. The proposal would result in the refurbishment of this vacant property, the retention and repair of surviving features of interest, reinstatement of features, and improvements to the thermal efficiency from the proposed extension. It would also help secure the building's future use, restoring the vacant property to a dwelling. These matters would also involve some modest heritage benefits as set out previously. The proposal would be of private benefit to any future occupier of the property in providing additional space and an improved standard of accommodation in comparison to what could be achieved without the development/works. However, they would also facilitate the delivery of the economic, social, and environmental objectives of the planning system as outlined in the Framework. These outcomes would be limited by the extent of the development/works that are proposed but would still represent meaningful public benefits to the local area and community at large and so carry moderate weight in favour of the appeals.
27. Nonetheless, although the harm in this instance may be considered 'less than substantial', this should not be equated with a less than substantial planning objection. There is no substantive evidence before me that verifies that the proposed extension or the alterations to the layout are essential to ensure the long-term future of the building. Nor am I persuaded that similar public benefits could not be achieved by a scheme which would be less harmful to the significance of the designated heritage assets. In these respects, clear and convincing justification has not been provided for the identified harm.
28. Overall, the weight that I ascribe to the public benefits that would result from the proposal, would not be sufficient to outweigh the great weight that I attach

to the harm I have identified. As such, the proposal would not comply with paragraph 202 of the Framework. It follows that it would also be contrary to Policies HP2 and HP3 of the Council's Local Plan (2020). These say, amongst other things, that harm to elements which contribute to the significance of a designated heritage asset will be permitted only where this is clearly justified and outweighed by the public benefits of the proposal.

Other Matters

29. I note that the appellant made changes to their scheme during the planning application process following discussions with the Council with the view to finding a solution. That said, this is not a matter for my consideration as part of these appeals and I have assessed the proposal on its own merits.
30. I have been referred to several planning and listed building consents and extensions elsewhere within the village including those either side of the appeal property. However, only the extension at Wath House is directly comparable in both the characteristics of the host property and the respective extensions proportions, layout, design, and material finish. Nevertheless, that extension replaced an attached outbuilding that was in reportedly bad condition. This contrasts with the proposal where the extension would replace a very small W.C extension. In any case, it will be seen that I have already taken this adjacent extension into account in reaching my decision.

Conclusions

31. **Appeal A:** The proposed development would conflict with the development plan as a whole and there are no material considerations which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, Appeal A is dismissed.
32. **Appeal B:** For the reasons given, Appeal B is dismissed.

Mr R Walker

INSPECTOR