



Appeal Decision

Site visit made on 24 October 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20TH November 2023

Appeal Ref: APP/V2723/W/23/3325761

Stanwick Arms, High Green, Aldbrough St John, North Yorkshire DL11 7SZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73A of the Town and Country Planning Act 1990 for the development of land carried out without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr Samuel Straker against the decision of North Yorkshire Council.
- The application Ref 22/00314/VAR, dated 6 May 2022, was refused by notice dated 20 April 2023.
- The application sought planning permission for Internal Alterations, Replacement of Front Windows and Tiled Facade along with Porch Canopy, Two Rear Single Storey Extensions (As Amended) without complying with a condition attached to planning permission Ref 21/00255/FULL, dated 24 June 2021.
- The condition in dispute is No 1 which states that: the development hereby permitted shall be carried out precisely in accordance with the approved drawings and particulars as set out below, together with any conditions attached to this approval which may require any variation thereof: a) Application form and certificate b) Location Plan - Drawing no. 21-1 c) Proposed Block Plan - Drawing no. 21-3 d) Revised Proposed Ground Floor Plan and Side Elevation - Drawing no. 00-2 Rev C e) Revised Proposed First and Second Floor Plans and Elevations - Drawing no. 00-3 Rev C f) Proposed Block Plan Car Parking Layout - Drawing No. 21-7 g) Email from agent received on 23rd May, 2021.
- The reason given for the condition is: To ensure that the development is carried out in accordance with the approved particulars and plans.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. On 1 April 2023, Richmondshire District Council merged with several councils to form North Yorkshire Council. The development plans for the merged local planning authorities will remain in place for the area within the new authority until such time as they are revoked or replaced. I have determined the appeal on this basis.
3. The works before me have been undertaken already. For the avoidance of doubt, I have considered the scheme against the submitted plans.

Background and Main Issues

4. In June 2021, planning permission was granted for several alterations to the Stanwick Arms public house, as set out in the banner heading above. This appeal proposal seeks to regularise deviations from the approved plans for the first floor extension that has been constructed. This extension forms a porch

which, along with the associated external staircase, is intended to provide access to staff living accommodation. The changes to the porch were made to overcome an issue with Building Regulations relating to fire safety. As approved, the external escape stairs from the first-floor accommodation above would discharge directly next to the restaurant/kitchen windows. These windows would therefore need to be replaced with appropriate fire rated units. Instead, the appellant has increased the size of the porch and relocated the staircase so that it no longer passes the kitchen windows.

5. Against this background, the main issues are the effects of the amended plans and thus the development on:
- the character or appearance of the Aldbrough St John Conservation Area; and
 - the living conditions of residents of The Nook with regard to outlook and light.

Reasons

Character and Appearance

6. The Aldbrough St John Conservation Area (the Conservation Area) sits in a bowl-shaped area within the landscape and includes much of the village. The historic form and layout of the village reinforces its rural qualities and agricultural legacy. The Conservation Area is dominated by a large green. This gives a sense of openness to the northern part of the village, in particular to the more easterly area. The westerly area has the appearance of a more traditional village green, with buildings grouped around it. There is a more compact built form in the southern part of the Conservation Area. There is some variety to the townscape. However, while there are a few rendered buildings, dwellings constructed from stone with pantile or slate roofs is the predominant built form throughout the Conservation Area, and this consistency adds positively to its character and appearance. The significance of the Conservation Area is in part derived from these aspects.
7. The Stanwick Arms is located on the northern side of the village and faces onto the western part of the green. The front elevation is built of random stonework. Extending to the rear, there is a one and a half storey stone and slate building which adjoins a two storey stone and pantile roof building. It is on the rear most of these adjoining buildings that the porch is located.
8. The front of the Stanwick Arms is the most impacting elevation on the Conservation Area, with it fronting on to the green. Much of the rear part of the site is enclosed by a stone wall and tall predominantly evergreen hedge. This, together with the screening provided by the nearby built form, limits but does not exclude vantage points within the Conservation Area where the porch can be seen from.
9. The larger porch that has been constructed retains the flat roof that was previously proposed. The increased size of the porch means that it now projects beyond the adjacent attached building. As a result, the porch is seen against the backdrop of the consistent palette of stone used in the buildings of the pub and neighbouring properties and the red pantile roof of the host building.

10. The cladding used on the porch introduces a material that is not characteristic of buildings within the Conservation Area. I appreciate that it has been chosen to tie in with the more recent dining room and reception area. However, these are single storey in height and so are less prominent. I also acknowledge that the colour of the cladding was chosen to try and match the stone of the buildings. While it does to an extent in longer distance views, the different material is more obvious when viewed from nearby vantage points, where it appears as an out of character element juxtaposing with the traditional buildings.
11. I appreciate that there are properties in the village which have cladding. However, the majority of the more modern single and one and a half storey dwellings that feature a variety of cladding on their front elevations are not in the Conservation Area and are in a street scene of other similar properties. The photograph provided by the appellant of the glazed and cladded extension is a single storey building. These examples are not therefore directly analogous to the appeal scheme, which I have considered on its own planning merits.
12. The use of such cladding on a smaller extension that does not project as far as the porch, or the use of a more traditional form of material on the porch that has been constructed may be less incongruous. However, the combination of the positioning, size and materials means that the porch does not sit comfortably in its surroundings. This would cause harm to the significance of the Conservation Area through the detriment to the street scene which gives it its aesthetic value, albeit from limited vantage points.
13. In terms of the National Planning Policy Framework 2023 (the Framework), I assess the harm to the Conservation Area as less than substantial. Even so, less than substantial harm does not equate to a less than substantial planning objection.
14. The Framework states that the planning system should help build a strong, responsive and competitive economy. In rural areas, planning decisions should enable the retention and development of accessible local services and community facilities.
15. The evidence indicates that the pub closed in 2017/18 and was purchased by the appellant's family in 2021, and subsequently re-opened. The appellant considers it likely that in a rural location such as this, in order to be viable, they need to be able to offer food, drink and accommodation. The appellant also argues that the ability to provide staff accommodation, which the development would enable, would allow for an onsite presence to address the safety and security of overnight guests, and would assist in attracting a suitable chef, thus enabling accommodation, food and drink to be offered.
16. I can appreciate that the ability to provide accommodation, food and drink would be beneficial to the Stanwick Arm's long-term viability. I can also understand that the provision of staff accommodation would be important in allowing for the provision of the onsite support and safety required for overnight guests and in being able to attract and retain a suitable chef in this rural area.
17. In principle, I can see that the benefits that would arise for what is the only pub in the village and clearly a valued community facility, together with the

economic benefits for the area through employment and support for the local supply chain, would be sufficient to outweigh the harm identified above.

18. However, based on the submitted evidence, the approved scheme, which was found to be acceptable in terms of its effect on the character and appearance of the Conservation Area, is technically feasible but more costly than the appeal proposal due to the implications of addressing the fire regulation requirements. While the approved scheme may incur additional costs for the appellant, there is no objective evidence before me to indicate that implementing the approved scheme would be financially unviable and hence that it would negatively impact the business and community facility.
19. In this context, I am unable to conclude that the public benefits of the development are sufficient to outweigh the harm identified, given the 'clear and convincing justification' for harm to or loss of significance of a designated heritage asset that paragraph 200 of the Framework requires.
20. Consequently, I conclude that the proposal does not preserve, and therefore harms, the character and appearance of the Conservation Area. Accordingly, the proposal conflicts with Policies CP12 and CP13 of the 2014 adopted Richmond Local Plan 2012 – 2028 Core Strategy. Policy CP12 states that development will not be permitted which has a detrimental impact upon the significance of natural or man-made assets, and that those elements which contribute to the significance of heritage assets should be conserved and, where appropriate enhanced. Policy CP13 seeks to ensure that proposals respect and enhance the local context and its special qualities, amongst other matters. The development also conflicts with the Framework's objectives for the historic environment, as summarised above.

Living Conditions

21. The location of the porch relative to the adjoining property at The Nook has not changed from the approved plans but its depth has increased. A first floor window in the rear elevation of The Nook which serves a habitable room is closest to the shared boundary of the two properties. However, there is a reasonable separation distance between this window and the porch. The porch would be in vision when looking out of this window. However, it is sufficiently separated from this window to avoid any undue sense of enclosure. The porch would not appear enclosing or overbearing such that it has an unacceptable impact on the living conditions of residents of this property.
22. There may be some limited reduction in light to the nearest windows of The Nook for part of the day as a consequence of the increased depth of the porch. However, given the separation distance between the porch and these windows, any reduction would not be excessive, and the quality or useability of the rooms served by the windows would not be diminished.
23. Although privacy is not specifically referenced in the Council's first reason for refusal, it is mentioned in the officer report and by an interested party. The approved plans show two tall narrow windows in the elevation facing towards The Nook which would be obscure glazed. The appeal proposal has three such windows which extend out further from the rear elevation. At my site visit, I observed that the windows in the porch are non-opening and are opaque. A condition can require the retention of non-opening obscure glazed windows.

With this condition, the development would not harm the privacy of residents of The Nook.

24. Overall, therefore, I conclude that the development does not harm the living conditions of residents of The Nook with regard to outlook and light. Consequently, the development accords with the residential amenity requirements of Policy CP4 of the Local Plan.

Conclusion

25. The proposal would harm the character and appearance of the Conservation Area. Although I have found that the proposal would not cause unacceptable harm to the living conditions of residents of The Nook, this is a neutral factor and does not outweigh the harm that I have identified.
26. The proposal would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Wilkinson

INSPECTOR