



Appeal Decision

Site visit made on 7 November 2023

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2023

Appeal Ref: APP/X1355/W/23/3329436

Roslyn House, Roslyn Terrace, Hamsterley, Durham, DL13 3QF

- 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 Paul Garnett against the decision of Durham County Council.
 - The application Ref DM/23/00296/FPA, dated 2 February 2023, was refused by notice dated 12 July 2023.
 - The development proposed is new 4-bedroom dwelling to rear of Roslyn House, Roslyn Terrace to include shared access and a part change of use from agricultural land to residential.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area and the setting of the Grade II Listed Building, Roslyn House.

Reasons

3. The area is characterised by stone faced, mostly two-storey buildings. Roslyn House is a double fronted two storey house under a stone flagged roof with chimneys, stone quoins and lintels. It dates from the mid-18th Century with late 19th Century alterations. It differs to the rest of Roslyn Terrace in that it is larger but the terrace has a cohesiveness in terms of its scale, materials and location, set back behind a grass verge within the village. It is a Grade II Listed Building and its significance lies in its history and its location within the village and its setting in the context of Roslyn Terrace.
4. Whilst the house itself has been extended to the rear and there is a detached garage these do not detract from the significance of the heritage asset. Also, whilst its main elevation is to the front, the building as a whole is listed and although the Appellant considers that the most significant part of the building is its frontage, its significance is not limited to the front elevation only but to the whole of the building and its surroundings. My view is consistent with the National Planning Policy Framework (the Framework) which states that elements of a setting may make a positive or a negative contribution to the significance of an asset and significance derives not just from a heritage physical presence but also from its setting.
5. I note that there is another building close to the side boundary to the west and close to the eastern boundary lies West Winds, a detached house which would sit alongside the proposed house. A field gate leads into open land part of which would form the garden to the proposed development. The land drops in

levels from north to south. The site is visible from adjoining land and there is a public footpath to the west and south. Whilst the footpath is described by the appellant as being between 40-50 metres to 300 metres away, due to the rising land levels the proposed development would be visible as a large and imposing building at different points along the footpath.

6. The proposed dwelling would have two-storeys when viewed from the front but due to its scale and massing and prominent front porch, it would compete with the more modest scale and proportions of Roslyn House and Roslyn Terrace. The proposal's split level design would create a three-storey dwelling when viewed from the south which would appear as a large and domineering building especially in the context of the drop in land levels. Furthermore, the amount of window openings and overall bulk of the building and proposed terracotta roof tiles would not reduce its prominence.
7. The proposed dwelling would be set behind the rear of Roslyn House and I am aware that there is a mix of dwellings in the area and development has taken place beyond the linear frontage of properties in the village. However, due to the scale and massing of the proposed dwelling, it would overwhelm the modest form of Rosalyn House and Rosalyn Terrace. It would therefore have a harmful effect on the character and appearance of the surrounding area and on the setting of the Listed Building. In reaching this conclusion, I have had regard to the statutory duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to have special regard to the desirability of preserving a Listed Building and its setting.
8. Accordingly in finding harm, this is something to which I have given significant importance and weight to in accordance with paragraph 199 of the Framework. However, this harm is less than substantial in the Framework's terms, as it would not affect the Listed Building physically and it would be to the rear of the Listed Building. However, in accordance with paragraph 202 of the Framework, it is necessary to weigh this harm against the public benefits of the proposal.
9. The appellant refers to the high standard of amenity that the dwelling would provide; its sustainability and maximum use of solar power; its lack of harm to adjacent properties; the provision of landscaping and enhancement to biodiversity on the site. These do not however amount to public benefits. The scheme would make a small contribution to the supply of housing in the area and although there is no evidence that there is a shortfall of provision, a small contribution would assist in supporting local services and facilities. Any economic, social or environmental benefits, such as construction jobs and future residents using local services, would however be limited.
10. As set out above, the Framework establishes that great weight should be given to a heritage asset's conservation but for the reasons I have outlined, the benefits would be limited. As such, they would not be sufficient to outweigh the harm that I have found would be caused to the setting of the Listed Building.
11. My attention has been drawn to an outline planning permission for 12 dwellings on a former farmstead to the south-west of the appeal proposal which has a pending reserved matters application¹. From the information submitted, the appeal proposal could be highly visible from that development. I do not have full details of the circumstances that resulted in the approval of this scheme

¹ Planning Application Refs: DM/17/02967/OUT & DM21/02387/RM.

nor any details in regard to any intervening boundary treatments and landscaping. Therefore, it does not alter my findings of harm in relation to the character and appearance of the area.

12. Consequently, the proposal would result in harm to the character and appearance of the area and the setting of the Grade II Listed Building, Roslyn House. It would therefore conflict with Policies 29 and 44 of the County Durham Plan (2020)² which respectively seek to avoid harm to the setting of a Listed Building and achieve well designed buildings that contribute positively to an area's character, identity and heritage significance.

Conclusion

13. For the reasons set out above, and having regard to the development plan as a whole and all other considerations, I conclude that the appeal should be dismissed.

J D Clark

INSPECTOR

² Durham County Council – County Durham Plan Adopted 2020.