



Appeal Decision

Site visit made on 5 December 2023

by Geoff Underwood BA(Hons) PGDip(Urb Cons) MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 11 January 2024

Appeal Ref: APP/V0728/W/23/3327103

The Old Vicarage, Saltburn Road, Upleatham, Redcar TS11 8AG

- 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 I Cowie against the decision of Redcar & Cleveland Borough Council.
 - The application Ref R/2023/0001/CA, dated 23 December 2022, was refused by notice dated 10 May 2023.
 - The development proposed is a dwelling C3.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's refusal reason refers to the setting of Upleatham Conservation Area (CA), whereas the site is located within the CA itself. I have therefore determined the appeal on that basis.
3. Since the appeal was made and representations received, an updated version of the National Planning Policy Framework (the Framework) has been published. The main parties were given the opportunity to comment on any implications the revised version might have on their respective cases. Apart from the paragraph numbers changing in some cases, those policies relied on by the main parties remain more or less unchanged. I have determined the appeal with regard to the latest version and no parties' interests will have been prejudiced by my doing so. For the avoidance of doubt, I have referred to the paragraph numbers in the latest version in this decision letter.

Main Issues

4. The main issues raised by this appeal are: whether the quality of the proposed design would be sufficiently high as to outweigh the presumption against development in this location; the proposal's effect on the character and appearance of the area, and; the proposal's effect on the significance of designated heritage assets.

Reasons

Location and design quality

5. It is not a matter of dispute between the main parties that the site lies outside the Development Limit of Upleatham. The Redcar & Cleveland Local Plan, 2018 (LP) Policy SD 3 restricts development in such locations to a list of specific

- circumstances or types of development. One of these permits 'isolated single dwellings that are of exceptional quality and incorporate innovative design features, reflecting the highest standards in architecture and sustainability'.
6. This is a similar approach to the Framework's preclusion of isolated homes in the countryside except, amongst other situations, at paragraph 84 e)¹ where their design is of exceptional quality.
 7. The site comprises a substantial part of a field and is set apart from the main concentration of buildings in the village which is situated farther up the sloping landscape. It would be separated from the Old Vicarage by an open field and there are no structures presently on the site.
 8. The proposed single storey dwelling would be large and symmetrical with extensive glazing to the front and sides. The roof would largely be of a low pitch with slightly steeper pitched roofs over the two 'wings' with pediment features in the gables.
 9. Situated in the centre of the extensive site and set back from the roads on two sides, the layout of the plot would not take account of the pattern of development in the area where buildings are predominately situated close to the street. Its extensive footprint would, particularly when viewed from the south, appear to sprawl across the inclined site with a form at odds with the largely compact form of dwellings which characterise the wider area.
 10. Although the external materials could be controlled by way of a planning condition, the drawings and description of materials are contradictory. The plans illustrate external walls to be brickwork whilst the elevations appear to show largely rendered rear elevations with stone features which aligns with the description. The proposed tiled roof would not appear to match the slate roof of the Old Vicarage. Whilst the stone proposed for some external walling has the potential to reflect its predominant use in existing buildings in the vicinity, this ambiguous approach to materials does not demonstrate a design approach which seeks exceptional quality.
 11. There is little information about the proposed detailing of the building. Based on the drawings, the appearance of the building would be basic and somewhat clumsy, as opposed to appearing simple and elegant. In particular, the detailing of the pediment features would bear little visual connection to the elevations above which they would sit.
 12. The drawings and Design and Access Statement (DAS) do not indicate that account of the gently sloping topography of the site has influenced the design of the dwelling nor its immediate surroundings. Although the appellant makes reference to a 'camouflage' approach and that the windows would reflect the surrounding landscape, there is little to illustrate the aims or intended effect of this methodology. The effect of its situation, size and appearance would make the building stand out in the landscape rather than merge with it. It would not enhance its setting. Overall, its built form would be conventional and unremarkable, albeit distinctly different from that of the more traditional buildings in the vicinity.
 13. A building does not necessarily need to reflect or reference the predominant building features of an area in order to achieve the highest design standards or

¹ Previously paragraph 80 e).

to be truly outstanding. Equally, just being different or distinct from its surroundings is not sufficient to achieve exceptional quality, and in this case it would not be sensitive to the defining characteristics of the local area. There is no demonstration of any sophistication in the design which one might expect of a scheme aiming for exceptional quality. There is no evidence that the design team have any particular recognition for design excellence, such as architectural or design awards, nor that there has been any peer review or critical appraisal of this particular design that might help to demonstrate its quality.

14. The design of the proposal falls a long way short of demonstrating an architectural quality that could reasonably be considered to demonstrate or reflect the highest standards in architecture or be of exceptional quality and truly outstanding.
15. The proposed dwelling would incorporate low energy lighting, water efficiency measures, high levels of insulation, and potentially an air source heat pump. Solar panels would also be installed with the aim of providing more power than the dwelling would consume albeit that the DAS is inconsistent as to their exact number and location. It is clear that the appellant is keen to maximise the efficiency of, and minimise the carbon emissions associated with, the dwelling.
16. Nevertheless, there is no demonstration that these proposals have been evaluated against any particular recognised standards. Nor is there any substantive evidence, comparative or otherwise, to demonstrate that these features would necessarily be any more than one would expect a new dwelling to incorporate, would be innovative nor represent the highest standards in sustainability. Further, there is no evidence that there would be anything particularly innovative about the building's design, construction or services. The proposed dwelling would not incorporate innovative features nor reflect the highest standards in sustainability required by LP Policy SD3 f.
17. As it would fail to reflect the highest standards in architecture, and as such would not help to raise standards of design in rural areas nor significantly enhance its setting, it would be contrary to the Framework. For the above reasons the proposal cannot benefit from the significant weight the Framework, at paragraph 139², requires to be given to outstanding or innovative designs which promote high levels of sustainability, along with other criteria. The development would not accord with LP Policy SD3 f. As it would not meet this locational policy of the LP, it would consequently also be contrary to LP Policy SD 4.
18. I have noted the correspondence in support of the proposal in particular and new dwellings in Upleatham in general. However, for the above reasons the site would not be an appropriate one for a new dwelling.

Character and appearance

19. The site has the character and appearance of an open paddock with hedges partly surrounding it. It displays the natural appearance of the countryside that forms part of the pastoral landscape character of the area with its fields which extend down from the village into the valley below and beyond. The situation of the large dwelling with extensive hard surfaced apron around it and the

² Previously paragraph 134.

expansive domestic grounds beyond would erode this attractive landscape. This harmfully intrusive effect would be noticeable for some distance given the topography of the site and its surroundings. The extensive glazing proposed would do little to help assimilate the building into its surroundings, but rather render the building as a conspicuous feature in the landscape.

20. This landscape is identified as a Sensitive Landscape Area (SLA). Whilst there is no suggestion that the hedges which partly define the site would be removed, there is little indication of any measures that would screen or integrate the development into the landscape nor, given my findings on design above, that the dwelling would be sensitively designed. As such the development would not accord with LP Policy N1 criteria d. and f. which seek to make development appropriate in SLAs. As it would fail to respect or enhance the character of the site and its surroundings, it would also be contrary to criterion j. of LP Policy SD 4.

Heritage assets – Conservation Area

21. The CA includes the tightly knit historic core of the village as well as the expansive fields and spaces which extend down the slope to the south and south east which help to present the historic buildings in the village in a legible landscape setting. This open countryside part of the CA includes St Andrew's Old Church, the only substantive building remaining from part of the village's former situation before that part was demolished in response to underground mining, leaving the current village core farther uphill.
22. The undeveloped, pastoral nature of this part of the CA consequently makes an important contribution to the historic character and appearance of the asset. This is not only attractive countryside in its own right, but also reflects the industrial and social history of the settlement through the absence of buildings on the lower slopes of the CA. By way of a limited palette of materials, traditional plan form and steep roof pitches, buildings of different ages and styles nevertheless create a harmonious built form whether within the streetscape along High Street or as individual buildings set farther away from the village core. Together these comprise important aspects of the CA's significance as a designated heritage asset.
23. The substantial, elongated structure would create an harmfully conspicuous feature in this undeveloped landscape visible from both the approach to the village core and from the C1268. For the reasons set out above the building would be at odds with the built form of other buildings in the vicinity that characterise the CA. Within the undeveloped pastoral landscape of the substantive part of the CA, it would appear intrusive and anomalous. Due to its size, scale and mass it would also be a discordant feature in the foreground in views of the buildings in the village core, as well as the Old Vicarage, and upset the historic disposition of buildings in the CA.
24. Furthermore, its low roof pitch and wide plan form would be uncharacteristic of the narrower plan and steeper roofs of the C18 and C19 buildings which largely characterise the CA. Its shortcomings in layout, form, scale, appearance, materials and detailing would have an adverse effect on the character and appearance of the CA. Together these effects would harm the significance of the CA and fail to preserve its architectural and historic character and appearance.

Heritage assets – listed buildings

25. The village core of Upleatham contains a concentration of listed buildings. The Council have objected to the proposal's effect on the setting of these listed buildings but have not differentiated between them or been specific about which their concern relates to.
26. Contrary to the Framework's requirements at paragraphs 200 and 201³ neither the appellant nor the Council have described or identified and assessed the significance of these heritage assets nor, in particular, how that significance relies on their settings which may include the appeal site. However, based on the List descriptions, to varying degrees, all those buildings largely rely on their age, materials, design, former functions, architectural details and their situation within an historic village streetscape as components contributing to their significance. These heritage assets share overlapping settings with one another as they largely line the main street through the village, and these settings reinforce the significance of each building.
27. Nevertheless, from my observations those buildings along high street do, to varying extents, depend to a limited degree on the undeveloped open countryside setting to their rears (or in the case of the church, its tower) as part of their significance. These are the former Methodist Chapel, Nos 13-19, the Village Hall, and former St Andrew's Church⁴. This is by way of being able to appreciate and understand their form and appearance from over the fields and by exposing their linear arrangement and village situation within the landscape. From some vantage points, mainly along the C1268, this would be interrupted or intruded upon as a result of the development. There would be a consequential, but very minor, detriment to the significance those buildings derive from their setting.
28. However, in the absence of any evidence to the contrary, as the significance of the War Memorial, walls to the front of properties, the telephone box and No 20⁵ do not rely on this part of the area making a contribution to their settings, the significance of those assets would be unaffected.

Heritage assets – overall findings

29. As required by the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have paid special attention to preserving the character and appearance of the CA and I have had special regard to the desirability of preserving the listed buildings' settings. In so doing, and in giving great weight to those designated heritage assets' conservation, the development would fail to preserve these attributes and would consequently harm their significance.
30. This harm to significance is less than substantial in respect of all designated heritage assets in the terms of the Framework. These are circumstances where LP Policy HE 2 and the Framework requires such harm to be balanced against the public benefits of the development. No public benefits have been identified and those arising from providing a new house and any contribution to the

³ Previously paragraphs 194 and 195.

⁴ Identified in the National Heritage List as: i) Number 19 and Outbuildings adjoining rear (south) elevation; ii) Methodist Chapel; iii) 17 and 18; iv) Number 16 and West Extension; v) Village Hall, Upleatham Village; vi) 14 and 15; vii) Upleatham Post Office, 13, and; viii) Church of St Andrew, Upleatham Village.

⁵ Identified in the National Heritage List as: i) Number 20 and Outbuilding Adjoining East Side; ii) War Memorial, Upleatham; iii) Boundary Garden Walls to Numbers 14 to 20; iv) K6 Telephone Kiosk, on West Side of Number 13 (Upleatham Post Office), and; v) Boundary walls, gates and gate piers to south of Church of St Andrew.

economy through its construction and subsequent occupation would be very limited. Conversely the harm to the significance of the CA would be marked. Although the harm to the significance of the listed buildings would be very minor, together the heritage harm carries considerable importance and weight. The very limited public benefits of the development would not outweigh this harm, contrary to LP Policies HE1 and HE2, and the Framework.

Conclusion

31. For the above reasons the development would be contrary to the Act, the development plan considered as a whole and the Framework. The appeal is therefore dismissed.

Geoff Underwood

INSPECTOR