



Appeal Decisions

Site visit made on 17 October 2023

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 18th January 2024

Appeal A: APP/U2750/W/23/3325549

Loftus Hill, Ferrensby Plantation to Loftus Hill, Staveley, North Yorkshire HG5 9JT

- 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 and Mrs N Armstrong against the decision of North Yorkshire Council.
 - The application Ref 22/04278/FUL, dated 8 November 2022, was refused by notice dated 20 April 2023.
 - The development proposed is demolition of garden room, lean-to boiler room and 2 storey integral garage with room over. Replacement 2-storey structure incorporating kitchen extension at ground floor and living room at first floor, replacement lean-to structure to accommodate kitchen extension new single storey extension to accommodate a kitchen extension. New single storey extension to accommodate a kitchen extension. Internal alterations to existing listed house.
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Appeal B: APP/U2750/Y/23/3325548

Loftus Hill, Ferrensby Plantation to Loftus Hill, Staveley, North Yorkshire HG5 9JT

- 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 Mr and Mrs N Armstrong against the decision of North Yorkshire Council.
 - The application Ref 22/04279/LB, dated 8 November 2022, was refused by notice dated 20 April 2023.
 - The works proposed are demolition of garden room, lean-to boiler room and 2 storey integral garage with room over. Replacement 2-storey structure incorporating kitchen extension at ground floor and living room at first floor, replacement lean-to structure to accommodate kitchen extension new single storey extension to accommodate a kitchen extension. New single storey extension to accommodate a kitchen extension. Internal alterations to existing listed house.
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Decision

1. Appeal A: the appeal is dismissed.
2. Appeal B: the appeal is dismissed.

Preliminary Matters and Main Issue

3. As the appeal relates to a listed building consent I have had special regard to section 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. The revised National Planning Policy Framework (the Framework) was published on 20 December 2023. While this is a material consideration in the determination of the appeal, the revisions are not directly relevant to the main

issue in the appeal. As such, I am satisfied that the interests of the parties will not be prejudiced by determination of the appeal on this basis.

5. The Council accepted amended plans during the processing of the applications which, among other things, removed the hard landscaping and swimming pool proposed within the walled garden. Therefore, I have determined the appeal on the basis of the plans that were considered by the Council and adopted the revised description of the proposal in the banner headings above from the agreed Statement of Common Ground.
6. In September 2023, after the appeals were made, planning permission¹ and listed building consent² was granted for "demolition of garden room, lean-to boiler room and 2-storey integral garage with room over. Replacement 2-storey structure incorporating kitchen extension at ground floor and living room at 1st floor, replacement lean-to structure to accommodate kitchen extension. Internal alterations to existing listed house" at Loftus Hill. The approved plans illustrate a substantially similar scheme to the proposal except in relation to the north elevation of the replacement 2-storey structure and the treatment of the land immediately to the rear of the east and west ranges.
7. Based on the evidence before me, there is a real prospect that the consented scheme would be implemented if the appeals should fail. Consequently, it is a valid fallback position at this site. This is a matter that I will return to in my decision.
8. On the basis that the acceptability of all other elements of the proposal has been established by the consented scheme, the main issue in the appeals is whether the proposal, with particular regard to the gable end wall of the replacement 2-storey structure and the external stairs feature, would preserve a Grade II listed building "Loftus Hill" (Ref: 1263000) (the LB), and any of the features of special architectural or historic interest that it possesses.

Reasons

9. The LB was constructed as a small country house in the late 17th century, although possibly on the site of an earlier building. The house, with its associated outbuildings and walled garden, is set well back from the road and accessed via a tree-lined driveway through expansive private grounds. The LB has been much altered. Of particular note, the expansion and alteration during the 19th century was a visible demonstration of the owner's social status and wealth and the architectural fashions of the time. The subsequent contraction during the 20th century illustrates changing socio-economics following the World Wars, including the reduction in staff and servants and the associated functional needs of smaller households. Externally, the evidence of the historic phases has been obscured by the unifying painted render finish and the replacement of earlier windows with Georgian-style timber sliding sash windows. Given the above, I find that the special interest of the LB, insofar as it relates to these appeals, to be primarily associated with the historic fabric and plan form illustrating its function as a large country house that has been adapted and remodelled over several centuries.

¹ Ref ZC23/02079/FUL

² ZC23/02080/LB

The replacement 2-storey structure

10. The existing rear west range, with its integral double garage door opening, replaced a Georgian structure demolished in 1992. In contrast to the earlier structure, the 1992 range is taller and wider with a different roof pitch and it is poorly related to the adjacent historic east range. The proposed replacement would have a narrower and lower gable in keeping with the adjacent east range. A reinstated linked walkway between the ranges would separate the new from the historic, and the historic hipped roof line would be reinstated. Its west elevation would be contemporary yet complementary, with a simple colonnade and recessed glazed elevation on a dwarf ashlar wall at ground floor level and with four first floor bays with traditional fenestration above. In these regards, the 2-storey structure would have a positive effect on the special interest.
11. The ground floor elevation of the gable end would continue the colonnade and recessed glazing design, terminating at the chimney stack. However, the first floor design of the west elevation would not be continued on the gable end. Instead, it would be extensively glazed to either side of the asymmetric chimney stack. The glazing would allow views of the interior, and through, the first floor room. The visually permeable first floor would be conspicuously out of keeping with the traditional solid walls and fenestration of the LB. The extent of glazing would be highly incongruous and it would not only dominate the gable end but also the whole of the rear elevation. Furthermore, while the design and location of the chimney stack would mirror the east range chimney, it would differ by virtue of being revealed in its entirety by the surrounding glazing. As a result, it would appear both deeper and heavier than the east range chimney, which would further unbalance the adjoining gable ends and draw attention away from the historic building form.
12. My attention has been drawn to award-winning extensions to listed buildings elsewhere. These illustrate that contemporary design can be integrated into the historic environment. However, none of the examples provided is demonstrably directly comparable to the proposal, including its surrounding context and relationship to its host.
13. Whilst acknowledging that design and its appreciation is subjective, the appellant considers that the Council's decision was swayed by personal preferences and not objective criteria. However, the Harrogate District Heritage Management Guidance Supplementary Planning Document Adopted November 2014 (the SPD) is pertinent to the proposal. In particular, the SPD advises that fenestration should be well balanced in the elevations and poorly proportioned windows should be avoided. Moreover, the ratio of opening to solid should not exceed that in the existing and should generally be lower, except in exceptional circumstances. Consequently, while the appellant disagrees with the Council's conclusion, its decision was substantiated with reference to the relevant policies and guidance.
14. It has not been robustly demonstrated that the function of the first floor room, as a family room, requires extensive glazing such as would provide a justification for the proposal. While it would be a contemporary approach, the glazed gable end would be generic rather than outstanding in design terms. It would be a visually obtrusive and unsympathetic feature that would significantly erode the historic architectural features of the building. It would

consequently have a negative effect on the special interest of the LB that would outweigh the positive elements of the proposal.

Treatment of ground levels to the rear of the east and west ranges

15. The ground would be raised to the rear of the replacement 2-storey range and the lean-to. A retaining brick wall would extend from the gable end brick chimney, sloping down and curving round to finish roughly at the height of, and flush with, the single storey rear elevation of the lean-to. External steps would lead up from ground level to the flat roof terrace of the single storey extension and also to the first floor of the replacement range behind the curved retaining wall.
16. The pitch of the coping stones on the curved sloping wall would mirror the height and pitch of the coping stones on the roof of the adjacent lean-to. Nevertheless, viewed from the rear, the curved wall would be discordant in juxtaposition with the straight lines of the lean-to roof. The various changes in levels around the lean-to, several flights of steps and bulky curved retaining wall would result in a visually challenging composition that would draw attention away from the historic architectural features of the LB.
17. The appellant considers that the external brick stack and curved retaining wall would create a 3-dimensional composition that would be exaggerated by the sculptural character of the external steps. In this regard, he draws parallels with the massing and textures of the brick stacks and sloping curved garden walls in the entrance courtyard at Tigbourne Court in Surrey. However, those structures appear considerably larger and markedly different to the curved buttress wall and steps in this case. Their surrounding context and relationship with their host is not directly comparable to the proposal as a result.
18. I understand that the ground levels to the rear of the east and west ranges were altered in the early 1990s, in part to provide vehicular access to the double garage in the rear of the west range. Submitted plans illustrate that, before this time, the ground level was higher to the rear of the lean-to than is currently the case with a short flight of steps close to the north-west corner of the lean-to. However, the proposal would not reinstate the ground levels or form that existed prior to the late 20th century works. The former, apparently simple and relatively unobtrusive level change to the rear of the lean-to does not provide a justification for the works and the extension of the garden beyond the historic garden walls.
19. Given the above, I find that the proposal would fail to preserve the special interest of the listed building. Consequently, I give this harm considerable importance and weight in the planning balance of these appeals.
20. Paragraph 205 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 206 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given the scale and nature of the proposal, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.

21. Where a proposal will lead to less than substantial harm to the significance of a designated heritage asset, paragraph 207 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including securing its optimal viable use.
22. The appellant is of the opinion that the proposal would be beneficial because it would remove harmful elements including the modern orangery and the 1992 extension; reinstate historic plan form, hipped roofline, linked walkways and eastern range chimney stack; and reveal historic fabric. These interventions would enhance the special interest of the LB and would collectively result in moderate public benefits. The appellant further considers that the glazed gable end would open up views of the grounds, delineate the internal first floor family living space and better connect it to the landscape and the curved wall and external steps would create an architectural feature and provide access to the roof terrace above the single storey extension. However, these would be private benefits and the use of the building as a residential property would not cease in their absence. Moreover, taking into account the valid fallback position, the public benefits are not reliant upon the glazed gable end or the external steps.
23. Given the above, I find that the public benefits are not sufficient to outweigh the harm that I have found. Consequently, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building. This would fail to satisfy the requirements of the Act, paragraph 205 of the Framework and conflict with policies HP2, HP3 and HS8 of the Harrogate District Local Plan Adopted March 2020 that seek, among other things, to protect or enhance features that contribute to the building's special interest; to reinforce the characters, qualities and features that contribute to local distinctiveness, taking into account fenestration and detailing; and avoiding adverse effects on the character or appearance of the dwelling. It would also conflict with the guidance in the SPD. As a result, the proposal would not be in accordance with the development plan.

Other Matters

24. The demolition of the 1992 west range would result in the loss of a large maternity roost of soprano pipistrelle. This would be an offence under the Conservation of Habitats and Species Regulations 2017 (as amended) unless the works were carried out under a mitigation license. The submitted bat report sets out mitigation measures that would form the basis of a license application, including timing of works to avoid the maternity season and the provision of replacement roosts. These measures appear appropriate to maintain the conservation status of bats and I have no reason to believe that a license would not be issued. This is a matter that could be dealt with by the imposition of a planning condition, and it weighs neither for nor against the scheme.
25. The courtyard to the west of the LB includes a Grade II listed building "Barn west of Loftus Hill" (Ref: 1250970). The barn dates from the late 15th century with later alterations and it is a rare and well-preserved example of a late medieval timber-framed aisled barn. Notwithstanding the close proximity and relationship between the LB and the barn, the application was not refused on grounds relating to harm to its special interest through changes in its setting. I am mindful, however, of my duty under the Act in this regard but, as I am dismissing the appeals, this is not a matter that I need to consider further.

Conclusion

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

Sarah Manchester

INSPECTOR