



Appeal Decisions

Site visit made on 7 November 2023

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 7th February 2024

Appeal A: APP/U2750/W/23/3323606

24 Undercliffe, Pickering, North Yorkshire YO18 7BB

- 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 Roger Priestnall against the decision of North Yorkshire Council.
 - The application Ref 23/00198/HOUSE, dated 20 February 2023, was refused by notice dated 19 April 2023.
 - The development proposed is alteration of front boundary wall and creation of new vehicular access.
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Appeal B: APP/U2750/Y/23/3323607

24 Undercliffe, Pickering, North Yorkshire YO18 7BB

- 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 Roger Priestnall against the decision of North Yorkshire Council.
 - The application Ref 23/00199/LBC, dated 20 February 2023, was refused by notice dated 19 April 2023.
 - The works proposed are alteration of front boundary wall and creation of new vehicular access.
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Decision

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

Preliminary Matters

3. 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).
4. The revised National Planning Policy Framework (the Framework) was published on 20 December 2023 and it is a material consideration in the determination of these appeals. However, the revisions to the Framework are not directly relevant to the main issues and I am therefore satisfied that the interests of the main parties would not be prejudiced by this change.
5. A section of the boundary wall extending from the pedestrian gateway has been removed and the land to the rear has been excavated. However, while I have taken into account what I saw at the time of my visit, I have determined the appeals based on the plans that were determined by the Council.

Main Issues

6. The main issues are:

- i) Whether the proposal would preserve a Grade II listed building "24 and 25, Under Cliffe" (Ref: 1242048) (the LB), and any features of special architectural or historic interest that it possesses; whether it would preserve the setting of Pickering Castle: 11th century motte and bailey castle and 13th century shell keep castle Scheduled Monument (Ref: 1009884) (the SM); and the extent to which it would preserve or enhance the character or appearance of Pickering Conservation Area (the CA); and
- ii) The effect of the proposal on the living conditions of the residential occupants of No 25, with particular regard to outlook, noise and disturbance.

Reasons

Heritage assets

7. The CA covers the densely developed historic townscape converging on the marketplace, together with the more spacious Beacon Park and the Scheduled Monuments Beacon Hill and Pickering Castle to the north. There is variation in the ages, styles and external materials of buildings. However, the CA has a distinctive sense of place arising from its tightly spaced vernacular buildings finished in coursed stone with pantile roofs. The area within the vicinity of the appeal site has a mixed appearance. The verdant appearance of the western side of the nearby road contrasts with the modest, vernacular dwellings with stone boundary walls that abut the footway on its eastern side. The footway forms a distinctive feature, being raised above the carriageway and with stone kerbing. Given the above, the significance of the CA, insofar as it relates to the appeals, is associated with the traditional frontages and raised footways.
8. The LB is a two-storey building comprising a pair of cottages dating from the 18th century which are finished in coursed stone with a pantile roof. The evidence suggests that the building may have been in use as a workhouse up until around 1837. The LB lies perpendicular to the road, with the gable end of No 25 abutting the footway. This arrangement signifies the humble status of the house and potentially its past use where the comings and goings of occupants would have been partially obscured from more public views had it fronted onto the street. A short terrace of properties extends along the road from the rear of No 25 enclosing a narrow yard with outbuildings to the rear of the LB, which is accessed via a covered passageway.
9. The large, raised garden to the front of the LB is enclosed by a continuous stone wall along the footway between No 25 and No 23. This is punctuated by a pedestrian gateway leading to a narrow path between the front of the LB and the retaining garden wall. The garden slopes up towards the rear of the plot and is accessed via stone steps to the front of No 24. At the time of my visit, the vegetated garden was unkempt and part of the wall had been demolished. Nevertheless, the garden and boundary wall impart a sense of enclosure and privacy and the consistent palette of traditional materials contribute to the architectural significance of the building and legibility of its former use. Given the above, I find that the special interest of the LB, insofar as it relates to

these appeals, comprises the privacy that arises from the enclosure of the garden which adds to the vernacular charm of the building and visual seclusion of the former workhouse.

10. The proposal would result in the loss of around 5.5m of the boundary wall to create a highway access with visibility splays. A greater length of the raised footway and stone kerb would be lowered to create a dropped kerb. The driveway would be finished in stone cobbles, opening out into a large, excavated parking area finished in Yorkshire buff gravel. The remaining raised garden land to the rear of the plot and to the side of No 23 would be retained by stone-faced dwarf walls.
11. The lowering of the garden land and the removal of a large section of wall would increase the openness to the front of the LB. This would significantly increase the visibility of the LB in public views. It would also lead to a highly incongruous off-road parking area at odds with the historic plot arrangements and simple frontages of the CA. It would erode the private, secluded context of the cottages and undermine the legibility of these humble dwellings which are suggestive of their past use.
12. I understand that the garden land was banked up along the highway boundary in the 20th century. However, the evidence indicates that prior to that the garden sloped up from the road towards the retaining wall at the rear of the plot. Even accepting that the garden land levels have been altered in the past, there is little evidence that the land was level with the ground floor of the LB or that there was an extensive former yard area to its front. As such, the large, gravelled parking area would be highly inauthentic and without any historic justification. Furthermore, the presence of parked cars and 'dwarf walls' would create a jarring and alien juxtaposition in relation to the main elevation.
13. The appellant considers that the boundary wall should not be treated as part of the LB as it is neither contemporary with the building nor pre-dates July 1948. However, while the garden may have been reprofiled in the past, the historic photographs are not sufficiently clear or conclusive as to the age of the wall. As such, I find this point unsubstantiated. Even if it is not a historic feature, the continuous boundary wall and traditional materials nevertheless make a positive contribution to the architectural and historic interest of the LB. This is because it functions to enclose the LB and its private outdoor space with its previously narrow pedestrian entrance.
14. I note the suggestion that the incongruous sections of dwarf wall proposed to either side of the driveway entrance could be removed without compromising the access. However, it would be a minor alteration that would not mitigate the harm arising from the loss of such a large section of boundary wall and the creation of a parking area directly in front of the LB. Notwithstanding that the created gap would be less than half the length of the boundary wall, it would be a visually obtrusive feature and the gap with associated views of the parking area would be prominent in views of the LB and the wider CA.
15. The raised footway along Undercliffe dips in several places to facilitate dropped kerbs for vehicular access to the sides and rears of properties. The dropped sections of footway, with associated loss of raised stone kerbs, visually disrupt and detract from the otherwise harmonious elevated stone kerb. Consequently, the proposal would further erode this locally distinctive footway. As the footway

is a prominent and characteristic feature of the CA, the proposal would be capable of harming the wider character and appearance of the CA.

16. My attention has been drawn to dropped kerbs, set back gates and dwarf and curved walls elsewhere on Undercliffe. On the basis that the proposal does not include curved walls or set back gates, such features elsewhere are not directly relevant to the appeal. As noted above, dropped kerbs elsewhere along the raised footway result in an adverse visual impact on the historic built environment and they do not provide a justification for additional harmful development.
17. The appeal site is within the setting of Pickering Castle SM and the proposal would be visible in juxtaposition with the SM in close-range views along Undercliffe. The views of the parties have been sought in this regard and they are both of the opinion that the proposal would not impact on the setting of the SM. Taking into account the vertical and horizontal distance between the proposal and the SM, the intervening development including the Castle Bank retaining wall, and the scale of the proposal, I find that the proposal would not detract from the significance of the SM as a well-preserved major early motte and bailey castle and subsequently an equally important shell keep castle.
18. Given the above, I find that the proposal would fail to preserve the special interest of the listed building and the significance of the CA. Taking into account the scale and nature of the proposal, I find the harm to be less than substantial but nevertheless of considerable importance and weight in the planning balance of these appeals.
19. 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 the asset or from development within its setting and any such harm should have a clear and convincing justification.
20. 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. The appellant is of the opinion that the proposal would be beneficial because it would increase the visibility of No 24 in public views and provide a safer vehicular access to the property.
21. Increased public views of the LB could be considered a public benefit, but this would be outweighed by the visual harm and loss of historic legibility that I have found. The rear of No 24 is accessed via a narrow, covered passage leading to a yard which is also used by the occupiers of neighbouring dwellings. The creation of an additional parking space and private parking area to the front of the LB would therefore be a private benefit to the appellant. While the proposal would achieve a better visibility splay than the access to the rear, I am not aware that the existing arrangement compromises highway safety and do not consequently find this to be a public benefit.
22. Given the above, I conclude that, on balance, the proposal would fail to preserve the special historic interest of the Grade II listed building and the character and appearance of Pickering Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 205 of the Framework and

conflict with policy SP12 of Ryedale District Council Local Plan Strategy Adopted September 2023 (the LP) that requires, among other things, that distinctive elements of the historic environment will be conserved and, in the case of designated heritage assets, enhanced where appropriate. As a result, the proposal would not be in accordance with the development plan.

Living conditions

23. The loss of the garden and the creation of a hardstanding parking area immediately to the front of No 25 would be detrimental to the neighbours' outlook. There would also be a marked increase in noise and disturbance to the neighbours as a result of the proximity of parking and manoeuvring of vehicles. This would arise from the sound of car engines, the slamming of doors, the crunch of tyres and footfall on gravel, and the generally increased activity associated with the comings and goings of the occupants and visitors to No 24. The parking of vehicles close to the neighbours' habitable room windows would also result in visual disturbance to the neighbours during the hours of darkness due to the glare of car headlights and brake lights.
24. The small grassed area proposed between the boundary wall and the car parking area would not mitigate the adverse visual or noise disturbance impacts on the neighbours. I accept that the level of the existing land to the front of No 25 may allow a degree of overlooking from the garden into the neighbouring habitable room windows. However, the removal of the elevated garden land in this location would not be a significant benefit in terms of the neighbours' privacy, taking into account the increase in activity associated with parking outside their habitable room window.
25. The evidence indicates that No 25 is in use as a holiday let and its owner does not object to the proposal. However, I am required to consider the effect of the proposal over its lifetime, including upon future residential occupiers. Taking into account that No 25 does not benefit from any private outdoor space, and its other windows overlook the road, I find that the proposal would be detrimental to the neighbouring occupiers.
26. Therefore, I conclude that the proposal would harm the living conditions of the neighbouring residential occupants of No 25, with particular regard to outlook, noise and disturbance. It would conflict with LP policy SP20 which requires, among other things, that proposals avoid adverse impacts on residential amenity including by virtue of design, use, location and proximity to neighbouring land uses.

Other Matters

27. I have taken into account the neighbour representations, both objecting to and supporting the proposal. However, none of the matters raised alter my findings on the main issues.
28. The proposal follows the refusal in September 2022 of an application (Refs: 22/00719/HOUSE and 22/00720/LBC) for the formation of vehicular access to include alterations to boundary wall (part retrospective). That scheme proposed to remove roughly half of the boundary wall and create a set back access with curved stone wall part way along the front elevation of No 25. I have considered the appeal on its own merits and the amendments to the previous scheme do not provide a justification for the proposal.

Conclusion

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

Sarah Manchester

INSPECTOR