



Appeal Decision

Site visit made on 9 January 2024

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 7th February 2024

Appeal Ref: APP/U2750/W/23/3332699

Newtons Solicitors, 36 Market Place, Ripon, North Yorkshire HG4 1DH

- 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 Newtons Solicitors against the decision of North Yorkshire Council.
 - The application Ref ZC23/02237/FUL, dated 12 June 2023, was refused by notice dated 3 October 2023.
 - The development proposed is replacement of roof to incorporate reclaimed stone from the existing roof to the front elevation and slate to the rear elevation. Installation of solar panels to the rear elevation.
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Decision

1. The appeal is allowed and planning permission is granted for replacement of roof to incorporate reclaimed stone from the existing roof to the front elevation and slate to the rear elevation. Installation of solar panels to the rear elevation at Newtons Solicitors, 36 Market Place, Ripon, North Yorkshire HG4 1DH in accordance with the terms of the application, Ref ZC23/02237/FUL, dated 12 June 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PP01 A location, existing and proposed plan.
 - 3) No development to the rear roof area shown on approved drawing no. PP01 A shall take place until samples of external materials have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved sample details.

Preliminary Matters

2. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The revised National Planning Policy Framework (the Framework) was published on 20 December 2023, after the appeal was made. This is a material consideration in the determination of this appeal. However, while the revisions to the Framework are relevant to energy efficiency improvements to existing buildings, the planning application was not refused on grounds relating to the

installation of solar panels. I am therefore satisfied that the interests of the main parties would not be prejudiced by the changes to policy.

4. The planning application originally proposed to replace the entire roof with slate. However, the proposal was revised and the Council accepted amended plans during the processing of the application which replace only half of the roof with slate. After the appeal was made, the appellants indicated their intention to use Brazilian slate to the rear roof slope. However, the plans and details that were considered by the Council and the consultees refer to natural slate, including Welsh slate or similar. Consequently, I have adopted the amended description of the development from the decision notice in the banner heading above and I have determined the appeal on the basis of the plans that were considered by the Council.
5. The appeal site is within the buffer zone of Studley Royal Park including the ruins of Fountains Abbey World Heritage Site (WHS). Taking into account the scale and nature of the proposal, its surrounding context and the location of the appeal property relative to the WHS, I am satisfied that the proposal would not have any material effect on the WHS.

Main Issue

6. Therefore, the main issue is the effect of the proposal on the character and appearance of the appeal property and the local area, bearing in mind the special attention that should be paid to the desirability of preserving the setting of nearby listed buildings, and the extent to which it would preserve or enhance the character or appearance of the Ripon Conservation Area (the CA).

Reasons

7. The CA encompasses a large expanse of the historic city. In this regard, the Market Place is a distinctive rectangular open space enclosed by continuous building frontages comprising predominantly two- and three-storey buildings dating primarily from the 17th to 20th century. Buildings vary in terms of their height, design and external materials but the varied roof forms are unified by the use of slate and, more rarely, stone. I find that the significance of the CA, insofar as it relates to the appeal, is associated with the historic roof forms and traditional materials.
8. No 36 is a 2-storey building dating from the 18th or 19th century, with a stone slate roof and an early 20th century timber-framed frontage. It is part of a largely historic, architecturally-varied building frontage on the south side of the Market Place. In this regard, it is flanked by the Grade II listed "No 34 Market Place" (Ref: 1315491) and "No 37 Market Place" (Ref: 1150162). No 34 dates from the 18th century and it is a 3-storey building with a stone slate roof, a 20th century timber-framed frontage and 20th century ground floor shopfront. No 37 also dates from the 18th century and is finished in white-washed brick with a stone slate roof and a ground floor retail frontage. No 37 abuts the Grade II* listed "Ripon Town Hall" (Ref: 1174370), an imposing classically-styled building with a stucco frontage, pediment and a hipped slate roof. The Grade II* listed "The Wakeman's House" (Ref: 1295808) sits on the far side of No 34. This is an early timber-framed building dating from the 16th or 17th century with canted oriels and a stone slate roof and it was home to the first mayor of Ripon. The Market Place is also notable for the Grade I listed "Obelisk"

(Ref: 1315492), built by John Aislabie of Studley Royal and the earliest surviving free-standing monumental obelisk in Great Britain.

9. The existing roof to the front elevation of No 36, which faces onto The Market Place, would be replaced in stone slates, incorporating reclaimed stone slates from the rear elevation. As the traditional stone slate roof would be retained, the works to the front would preserve the character and appearance of the appeal building and would not have any material impact on the Market Place setting of nearby listed buildings or the significance of the CA.
10. The submitted plans illustrate that the stone slate roof to the rear elevation would be replaced in natural slate and solar panels would be installed. The Council considers that the solar panels would be acceptable, on the basis that they would not be highly visible from the public domain. However, it considers that the modern roof materials, and the use of mixed materials across the roof scape, would harm the architectural character of the CA. This is also the position of Historic England, which supports the introduction of the solar panels but objects to the replacement of the traditional stone slates. It considers that the existing roof is a legitimate part of the story of No 36 and its proposed replacement would occur without legitimacy of contextual authenticity and it would not make the same positive contribution to the CA.
11. However, I do not find that the proposal would be detrimental to the character or appearance of the CA. The densely developed private townscape to the rear of No 36 precludes views of the rear elevation from the public domain and severely restricts private views. The slate roof would be further obscured by the solar panels. The significance of a CA is dependent upon how it is experienced. Case law has established that proposals must be judged according to their effect on the CA as a whole and must therefore have a moderate degree of prominence. In this case, the proposed slate roof would be relatively unobtrusive and not at all prominent, even from the private domain. Given the above, I find that the proposal would not be detrimental to the CA and thus preserve its significance. Moreover, the works to the rear of No 36 would not harm the historic Market Place setting of the nearby listed buildings and it would not adversely affect important views of the listed buildings.
12. Paragraph 209 of the Framework advises that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect non-designated heritage assets, a balanced judgement is required having regard to the scale of any harm and the significance of the heritage asset.
13. The appeal property is not listed, neither is it identified in the Ripon Conservation Area Character Appraisal Adopted June 2009 as an unlisted building that makes a positive contribution to the character and appearance of the CA. Nevertheless, No 36 has some heritage significance, associated principally with its frontage which illustrates late 19th/ early 20th century building fashions and its historic stone slate roof. Moreover, its distinctive frontage and its roof contribute to the Market Place streetscene and the CA.
14. The loss of the stone slates from the rear elevation would constitute a loss of historic fabric and the proposal would result in a mix of materials across the roof. However, slate is a traditional building material that characterises the historic townscape, including listed buildings, and the rear roof slope would not in any case be viewed in conjunction with the frontage, except in aerial views.

The more visually important frontage would be unaffected by the proposal and the works to the rear would not be readily visible even from the private domain. The proposal would not diminish the historic appearance or legibility of No 36 or its visual contribution in views of the CA. Consequently, I find that the partial loss of the historic roof fabric would not undermine the significance of No 36 as an unlisted historic building.

15. The existing roof is in a poor state of repair. The appellant considers that the proposal would be beneficial because it would weatherproof the building, ensuring its longevity and its continued positive contribution to the Market Place frontage. The works would support local businesses and the local economy. The solar panels would contribute to the sustainability of the building and climate change adaptation more widely. Any stone slates not used in the repair of the front roof slope could be available to neighbouring listed buildings.
16. Similar public benefits could be achieved if the entire roof was repaired using stone slate. However, the appellant states that the cost of stone slate would be prohibitive in terms of the overall cost of repairing and renovating the building for its intended office use. As such, there is little evidence that a comprehensive and high quality repair would be carried out to the entire roof or that solar panels would be installed on the existing stone slate roof.
17. Therefore, I conclude that the proposal would not harm the character or appearance of No 36, the setting of nearby listed buildings and it would preserve the character and appearance of the Ripon Conservation Area. This would satisfy the requirements of the Act, paragraph 205 of the Framework and policies HP2 and HP3 of the Harrogate District Local Plan 2014-2035 Adopted March 2020. These seek, among other things, to ensure that proposals affecting a CA protect elements that make a positive contribution to the character of the area; that harm to the significance of non-designated heritage assets is only permitted where benefits outweigh the harm; and that proposals reinforce local distinctiveness, taking into account the contribution of roofscapes and materials. As a result, the proposal would be in accordance with the development plan.

Conditions

18. The Council has not suggested planning conditions in the event the appeal was allowed. However, in the interests of certainty, I have imposed standard conditions specifying the timescale for the commencement of development and the approved plans.
19. I have additionally imposed a condition requiring details of the natural slates proposed to be used on the rear elevation. Notwithstanding the limited visibility in private views, the use of locally appropriate, traditional materials is nevertheless necessary in the interests of visual amenity.

Conclusion

20. For the reasons set out above, I conclude that the appeal should be allowed.

Sarah Manchester

INSPECTOR