



Appeal Decision

Site visit made on 11 June 2024

by F Harrison BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 June 2024

Appeal Ref: APP/U2750/W/23/3328658

25 Newton Road, Great Ayton, North Yorkshire TS9 6BS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr John Robson of Pike Property Limited against the decision of North Yorkshire Council.
 - The application Ref is 23/00396/FUL.
 - The development proposed is change of use from a bakery to a holiday let.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the description of development as stated on the Council's decision notice, rather than that given on the application form, as this is more precise.

Main Issues

3. The main issues are the effect of the proposal on the:
 - character and appearance of the area, including its effect on heritage assets; and
 - living conditions of the occupiers of 23 and 27 Newton Road, with regard to outlook, daylight/sunlight and privacy.

Reasons

Character and appearance

4. The appeal site accommodates a single storey stone building which despite some modern alterations has a traditional appearance. It is located in between Nos 23 and 27 which are two-storey dwellings, set back from the road. The appeal property sits prominently in the street with the gable end facing Newton Road, adjacent to the footpath. This arrangement of buildings and the appeal property's subservient scale and massing is a key feature of the street and contributes positively to the character and appearance of the area.
5. The Council has identified the appeal property as a non-designated heritage asset (NDHA). While it may not appear on the Council's online interactive mapping system as such, it is not disputed that the appeal property was originally an outbuilding associated with the nearby listed building and holds a close relationship with it. Furthermore, the appeal property is shown on a first edition Ordnance Survey map and there is no substantive evidence that it is

- not a NDHA. Despite some alterations and needing some maintenance, it's significance as a NDHA is largely derived from its age, surviving traditional materials and its historical relationship with the adjacent listed building.
6. Nos 21 and 23 are a Grade II listed building known as 'Rosehill, Rosehill Lodge'. Now two residences, the listed building's significance includes the period architecture and associated appearance, comprising coursed squared tooled stone, Welsh slate roof and sash windows. It's setting comprises the streetscape within which it is located, including the appeal site, which makes a positive contribution to the significance of the asset owing to its historical relationship with it as an outbuilding. Despite some alterations, Nos 21 and 23 maintain a strong heritage value.
 7. The proposed increase in height of the appeal property and introduction of dormer windows and rooflights is required to increase the floorspace to enable its use as a holiday let. However, it would significantly alter the scale and simple appearance of the existing building. Even though the non-traditional windows would be replaced, and despite the use of traditional materials, the proposal would result in a marked visual change that would be apparent when viewed in either direction along Newton Road. Nos 23 and 27 would remain taller than the appeal scheme, nonetheless, the increased height of the proposal would stand very prominently within the street, eroding the current subservience of the appeal property with the neighbouring properties and would not be sympathetic or respectful to the existing historic built form.
 8. The appeal scheme has been designed to reflect the dormer windows at No 23 and rooflights at No 21. However, these are not on the main elevation and cannot be readily seen from the street and as such, do not erode the character and appearance of the area in the way the appeal scheme would. Moreover, I did not observe any other examples of such features in the locality. Overall, the incongruous form of development would draw the eye and visually compete with the prevailing character and appearance of the area.
 9. It is suggested that the appeal property has not been properly maintained and if not replaced soon the roof will collapse. However, although there is tarpaulin on the roof the property does not appear to be open to the elements or derelict. Furthermore, the appellant indicates that the brick walls are solid in most locations. The appellant also suggests that the site could be used as a fast-food vendor with flues, however there are no further details of such a proposal or any clear evidence that this would be pursued. These matters do not, therefore, lead me away from my above findings.
 10. The proposal's scale and massing would sit prominently in the street and the introduction of dormer windows and rooflights would be noticeable against the generally traditional appearance of the area. Viewed in this context, the proposal would appear out of place, detracting from the historic environment in views along Newton Road. Taking into account my above findings, it therefore follows that the proposal would diminish the significance of the NDHA, have a detrimental effect on the setting of the listed building and would not preserve its special architectural interest.
 11. The harm that I have identified would be 'less than substantial' harm to the contribution that the setting makes to the significance of the listed building. The National Planning Policy Framework (the Framework) indicates that great weight should be given to the conservation of heritage assets, irrespective of

the level of harm. Any harm to the significance of a designated heritage asset should require a clear and convincing justification. The Framework also requires such harm to be weighed against any public benefits. Given the appeal property's status as a NDHA, in accordance with the Framework, a balanced judgement should be undertaken having regard to the scale of any harm or loss and the significance of the heritage asset.

12. There would be modest economic benefits arising from employment during the proposal's construction and to the visitor economy once operational. While the appellant contends that the proposal would be unique in Great Ayton by providing holiday accommodation for people with lower mobility, despite the step free access the plans do not indicate suitable accommodation for those with disabilities would be provided, noting that the bedrooms are on the first floor. It is suggested that a fold away bed could be provided at the ground floor but there is no substantive evidence that this would be appropriate for those with disabilities or that a comfortable and functional layout could be achieved in this regard. As such, the public benefits are insufficient to outweigh the great weight attached to the harm to the designated heritage asset.
13. To conclude on this main issue, the proposal would harm the character and appearance of the area, including the significance of the NDHA and would fail to preserve the setting of the nearby listed building, harming its significance, in conflict with Policies E5 and S7 of the Hambleton Local Plan (2022) (HLP). Amongst other things, these policies require development to conserve heritage assets in a manner appropriate to their significance. Where less than substantial harm has been identified, proposals will only be supported where the harm is outweighed by public benefits.
14. In addition, it would fail to meet the requirements of section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 and the provisions within the Framework to conserve and enhance the historic environment.

Living conditions

15. The proposal would result in a significant increase in height in proximity to the shared boundaries with Nos 23 and 27 and would appear as a dominant and oppressive feature from the nearest ground floor windows and private outdoor spaces of both neighbouring properties. This would be detrimental to the levels of outlook that could reasonably be expected. While the outdoor space at No 23 is already largely enclosed, the increase in height at the appeal property would narrow the outlook further.
16. More of the sky would be obscured by the proposal than the existing situation for the occupiers of No 23, however there would be no overshadowing owing to the orientation of the appeal site to the north of this property. It may be that the trees on the opposite side of Newton Road block sunlight reaching the properties, nevertheless, owing to the increase in height it seems likely that the proposal would result in a noticeable reduction in daylight/sunlight for the occupiers of No 27 at certain times of the day, to the extent that it would have an unacceptable effect on their living conditions. In coming to this conclusion, I have taken account of the location of the appeal site to the south of No 27.
17. Amendments were made to the scheme to address the Council's concerns regarding privacy for the occupiers of No 27. Nevertheless, given the proximity of the appeal property to the shared boundary, the proposed dormer windows

would introduce views at close range into the front garden and nearest first floor windows of No 23. The level of intrusion created by the proposal would be readily apparent to these occupiers and the loss of privacy would be detrimental to their living conditions as a consequence. While the proposal would have a different pattern of pedestrian and vehicle movements than those associated with the existing commercial use and even if a residential use would be appropriate in this location, this would not overcome the harm arising to the living conditions of the neighbouring occupiers set out above.

18. The plans show that the nearest dormer window to No 23 would be obscure glazed to mitigate privacy concerns. However, this window is shown to serve a bedroom which would be single aspect. As such, I cannot be sure that an obscure glazed window would be acceptable regarding outlook and would not be harmful to the living conditions of the future occupiers of the appeal property. Accordingly, this is a concern that could not be rectified by the imposition of a planning condition. It is also suggested that the window opening could be designed to ensure that there would not be any direct views into No 23 when open. However, even if this was achievable it would not resolve the harm I have identified when the window was closed.
19. As such, the proposal would unacceptably affect the living conditions of the occupiers of Nos 23 and 27, with regard to outlook, daylight/sunlight and privacy. This would conflict with Policy E2 of the HLP which includes a requirement for proposals to maintain a high standard of amenity for existing occupants of neighbouring land and buildings.

Other Matters

20. The appeal site falls within the Teesside Valley surface water catchment of the Teesmouth and Cleveland Coast Special Protection Area, afforded protection under the Conservation of Habitats and Species Regulations 2017 (the Regulations). I note the appellant's agreement to purchase the necessary credits to offset the nitrogen output from the proposed development. Notwithstanding this, the Regulations require that permission may only be granted after having ascertained that the development would not affect the integrity of a designated habitat. It is not necessary for me to consider the implications of the proposal upon the protected site because the scheme is unacceptable for other reasons.
21. While the appellant has expressed frustrations with the Council's handling of the case this does not affect my consideration of the scheme's planning merits.

Conclusion

22. My above findings bring the proposal into conflict with the development plan, read as a whole. There are no material considerations that have been shown to have sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, I conclude that the appeal is dismissed.

F Harrison

INSPECTOR