

Appeal Decision

Site visit made on 1 July 2024

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th August 2024

Appeal Ref: APP/C9499/W/23/3334997

Alva Barn, Town Foot Bridge To The Green, Kettlewell, Skipton, North Yorkshire BD23 5RB

- 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 Bruce Tunstall against the decision of Yorkshire Dales National Park Authority.
 - The application Ref C/46/105H, dated 22 September 2023 was refused by notice dated 15 November 2023.
 - The development proposed is catslide roof extension to existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Authority's second reason for refusal referred to the effect of the proposal upon the living conditions of the occupiers of neighbouring properties with particular regard to privacy and light. The appellant has since clarified that the proposed upper storey window within the proposal would be obscure glazed, and the Authority has indicated that it is no longer seeking to defend the part of that refusal reason which related to privacy. I have not, therefore, considered this element of the refusal reason further. However, as the concern relating to loss of light remains, I have considered this as a main issue.

Main Issues

3. The main issues are:
 - whether the proposal would preserve or enhance the character or appearance of Kettlewell Conservation Area and its effect upon the significance of a non-designated heritage asset;
 - the effect of the proposal upon the living conditions of the occupiers nearby premises, with particular regard to privacy and overshadowing, and;
 - the effect of the proposal upon biodiversity and protected species, with particular regard to bats.

Reasons

4. As the appeal site is located within the Yorkshire Dales National Park ('NP'), I am mindful of the requirement within the National Parks and Access to the Countryside Act 1949 (as amended) to further the purposes of the NP, which includes conserving its natural beauty, wildlife and cultural heritage, and to promote opportunities for the understanding and enjoyment of the special qualities of NPs by the public. Paragraph 182 of the National Planning Policy Framework ('the Framework') states that NPs have the highest status of protection, and that great weight should be given to conserving and enhancing their landscape and scenic beauty. The special qualities of the NP include its distinctive traditional architecture produced partly by local building traditions and numerous small, attractive villages.
5. The appeal site is also within Kettlewell Conservation Area ('the CA') and I am mindful of my duty in this regard. The significance of the CA, insofar as it is relevant to this appeal, is derived from the relatively unspoilt nature of the village, its high proportion of historic buildings, its distinctive shape and layout, and the number of attractive views and well-related spaces that exist. This significance contributes to the special qualities of the NP identified above.
6. The appeal property currently hosts an attached outbuilding which projects into the yard and also forms part of the dwelling. The Authority considers the appeal property to be a non-designated heritage asset and given its undisputed age, form and condition, I have no reason to disagree.
7. The proposal would be a two-storey extension to the building and would incorporate a catslide roof design. Catslide extensions are identified within the Yorkshire Dale National Park Design Guide ('YDNPDG') as being a traditional form of residential extension within the NP and the appellant has highlighted a number of examples of such extensions within the local area.
8. However, the Authority has stated, and it is not disputed, that Alva Barn is a conversion of part of a former agricultural building. Along with its neighbour, Coach House, this former use remains evident despite the conversion of the building into residential uses. The existing single storey element remains similarly agricultural in appearance, and being of only single storey height, does not significantly affect the elongated simple form of the original building.
9. This elongated form sets the appeal building apart from other purpose-built traditional dwellings in the CA and allows the former use of the building to be understood. It also, despite the existing single-storey projection, provides glimpsed views between and over buildings towards the open higher land beyond, which is a part of the character of the CA.
10. The proposal would be a larger structure than the existing single storey projection. In extending in height to the eaves level of the existing dwelling it would represent a sizeable addition, adding bulk and width to the otherwise simple elongated agricultural form of the building. It would also reduce the visual permeability that currently exists towards open countryside.

11. Overall, it would unbalance and change the character of the building, accentuating its current residential use over its original agricultural use, and erode the evidential value of the building as a remnant of an agricultural use at the edge of the settlement. This would amount to less than substantial harm to the character and appearance of the CA, as well as harm to the NDHA.
12. Paragraph 208 of the Framework states that where a development would lead to less than substantial harm to a designated heritage asset, that this harm should be weighed against the public benefits of the proposal.
13. The proposal would improve the quality of the accommodation at the appeal property, and this improvement to the overall housing stock would be a public benefit of the proposal. However, I have no evidence before me to suggest that the current accommodation provides substandard living conditions and so I afford this limited weight.
14. Paragraph 205 of the Framework states great weight should be given to the conservation of heritage assets. Therefore, this benefit would be insufficient to outweigh the harm to the CA that I have identified, nor would it outweigh the harm to the NDHA. Additionally, being mindful of my duty to further the purposes of the NP, and the special qualities of the NP that I have set out above, I afford substantial weight to the harm that I have identified in this respect.
15. Therefore, the proposal would conflict with Yorkshire Dales National Park Local Plan ('YDNPLP') Policies SP1, SP2, SP4 and L1. Together, and amongst other factors, these policies state that new development should contribute positively to the built environment, conserve or enhance the historic environment and the cultural heritage of the NP, and that harm to designated and non-designated heritage assets should be weighed against the public benefits of a proposal.
16. It would also conflict with advice set out within the YDNPDG which sets out that residential extension should ensure that the size of the extension maintains the vertical or horizontal emphasis, or balance of the house.
17. The Authority has also identified conflict with YDNPLP Policy L3. This policy relates to proposals for the conversion of traditional buildings to new uses. While the appeal property is a formerly converted building, the proposal before me does not involve any further conversion, so this policy is not applicable in this instance.

Living conditions

18. The appellant has provided a sun study, which comprises a series of computer-generated images. These appear to indicate that the proposal would not result in overshadowing of a neighbouring property, however they are not accompanied by interpretation, nor am I clear as to the methodology used to create them. This reduces the weight am I able to afford this evidence.
19. Nevertheless, the closest neighbouring property is located to the south of the proposal and would be separated by several metres. This property also has a reasonably open aspect. Given these factors, I consider that it is unlikely

that the proposal would result in significant levels of overshadowing such that it would harm the living conditions of the occupiers of this property. With regard to the living conditions of occupiers of Coach House, to the north, the orientation of the building, the level of separation and configuration of windows means that although the proposal could have some effect upon the levels of light reaching some windows, any harm that would result would not be significant. I am also mindful of the large windows in the northern elevation of this property which would remain unaffected by the proposal.

20. The proposal would not harm the living conditions of the occupiers of neighbouring properties with particular regard to overshadowing. It would therefore be in accordance with YDNPLP Policy SP4 which, amongst other factors, states that all developments should respect the amenity of neighbours.

Biodiversity

21. The appellant has provided a Bat Survey and Report¹ ('BSR') which is dated September 2022 which indicates that the appeal site has a very low risk of hosting roosting bats which could be affected by the proposal. This is stated as being due to the lack of detected features which could allow bats to roost. The report and the survey data it is based on are appropriately recent and were carried out by an appropriately qualified individual.
22. The Authority considers that the BSR states that further survey work should be carried out but has not expanded further on these concerns. Although the BSR does state that further assessment would be required should the proposal change following the compiling of the report, there is no evidence before me which indicates that the proposal has changed since September 2022, and the provided plans are dated 30 August 2022. The BSR also clarifies that its conclusions are made on the basis of the proposal not requiring works to the roof of the main building, which is reflective of the proposal before me. I therefore consider that the proposal would not lead to harm to protected species or habitats.
23. YDNPLP Policy W2 requires new development to make a proportionate on-site contribution to wildlife enhancement in accordance with a schedule set out in the supporting text. This table indicates that domestic extensions should usually provide mitigation amounting to around £100 and taking the form of a nesting box or brick, or ecological landscaping. Whilst there are no such measures included within the proposal that is before me, this is a matter which could be adequately addressed by means of a planning condition, should I have been minded to allow the appeal.
24. The proposal would not lead to harm to biodiversity or protected species. It would therefore be in accordance with YDNPLP Policies W1 and W2 which together, and amongst other factors, state that new development should not lead to harm to protected species, and that a proportionate on-site contribution to wildlife enhancement will be required.

¹ Bat Survey and Report at Alva Barn, Kettlewell, Skipton, North Yorkshire, BD23 5RB for AFR Design, Survey Ref 2106/DR Rev 1, dated 9 September 2022.

Other Matters

25. It is stated that the appellant is a local craftsman of significant experience, however any planning permission would relate to the land and not the individual, and I do not have certainty that any construction would be carried out by the appellant. Accordingly, I cannot afford this factor weight in my considerations.

Conclusion

26. Although acceptable in some regards, the proposal would lead to less than substantial harm to a designated heritage asset and other additional harm to a non-designated heritage asset, as well as the special qualities of the NP, as set out above. It would conflict with the development plan as a whole.
27. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan in this case. I therefore conclude that the appeal should be dismissed.

C Harding

INSPECTOR