

Appeal Decision

Site visit made on 30 July 2024

by **Andrew Dale BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 20th August 2024

Appeal Ref. APP/E2001/D/24/3344822

1 Fir Tree Cottages, Clay Lane, Brighton, Selby YO8 6DH

- 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 D Johnson against the decision of East Riding of Yorkshire Council.
 - The application ref. is 24/00338/PLF.
 - The development proposed is described on the application form as “Erection of rear single storey and side two storey extensions.”
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue, derived from the reason for refusal on the Council’s decision notice, is the effect of the proposed development upon the character and appearance of the host property and the wider surroundings, including the setting of the grade 2 listed building, Frog Hall Farm, a designated heritage asset.

Reasons

3. The appeal concerns a 2-storey terraced cottage on the east side of Clay Lane. It is the northernmost cottage in a short terrace (1, 2 and 3 Fir Tree Cottages). The front elevations of the cottages stand close to the edge of the highway and offer a degree of uniformity of design and appearance that draws the eye. The terrace is consequently prominent and locally distinctive in the street scene. The wider surroundings of the site are resolutely rural in character and greatly enhanced by the presence of Frog Hall Farm, the grade 2 listed building, a short distance to the north-west on the other side of Clay Lane.
 4. Looking at the relevant planning history from 2010, I see that the appeal dwelling has already been extended to the side at first floor level. Looking at the brickwork on site, this first floor extension is likely to have been built over an earlier ground floor side extension. The previous enlargement can be readily detected in public views, such that in terms of scale and width, no. 1 is now roughly comparable to no. 3 at the southern end of the terrace.
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5. The proposed 2-storey side extension would be joined onto and be almost as wide as the previous side extension. This would add further substantial mass and bulk to the northern side of the building.
6. Whilst the front of the proposed 2-storey side extension would be set back slightly from the front of the earlier side extension and its ridge would follow the same lower ridge height, I cannot accept that the scheme would provide a visually subordinate extension to the original host building. Rather, it would be disproportionately large. Taken together with the previous side extension, the project would result in the width of the original house being increased by about 180%. The proposed lean-to ground floor rear extension would further enlarge the footprint of the host dwelling and would not be set in from the new 2-storey gable end.
7. The appeal proposal would visually dominate and radically change the character and appearance of the original cottage, particularly when seen in public views at the front. The resulting building would detract from the simple and balanced prevailing character of the terrace and disrupt its pleasant setting along Clay Lane.
8. The appeal property has space to the side. However, the substantial infilling of the open side garden between the dwelling and the site's northern boundary would make the extended building appear unduly prominent in the street scene. It would materially diminish the sense of openness and be out of step with the similar open space to the side of no. 3 behind its gated access. This erosion of the spacious qualities of this prominent location would be another unfortunate consequence.
9. The appellant pointed to the removal of outbuildings that are currently visible from the frontage. It is not clear on the submitted plans exactly which outbuildings would be removed. That said, all the buildings and structures I could see in the garden are low-level structures that are set well back from the front building line. They do not materially impinge upon the street scene and are not comparable to the extension scheme envisaged.
10. The use of bricks and interlocking tiles to match the previous extension would not overcome the visual harm. The appearance of the previous extension leaves a lot to be desired in the context of the terrace as a whole. I saw that the interlocking tiles do not match the natural slates on the original part of the roof of no. 1 and the roofs of nos 2 and 3, whilst the front windows lack the vertical proportions of the original windows and are not picked out by arched brickwork heads or by projecting masonry sills. Although not decisive in itself, I consider that finishing the proposed extension in the same design and materials as the previous extension, would, in my view, draw further unwelcome attention to the development. Of greater importance, I find that the insertion of a standard garage door in the front wall of the proposed side extension would appear wholly out of place on a dwelling of this age and type. It would be a seriously discordant feature in this terrace and street scene. There would be a failure to reinforce or enhance local character and distinctiveness.
11. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard shall be paid to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest it possesses. Frog Hall Farm is a very well preserved example of a mid-18th century farmhouse. Its floor plan is L-shaped such that there are key elevations facing east onto Clay Lane and south onto its wide attractive front garden/courtyard which is

directly opposite the appeal site. From public vantage points along Clay Lane, there is a degree of intervisibility between the appeal site and Frog Hall Farm, especially when travelling in a southerly direction. I would anticipate an even greater level of general intervisibility during the autumn and winter when there would be limited screening from the trees. I consider that the sparsely developed rural streetscape along Clay Lane that encompasses 1, 2 and 3 Fir Tree Cottages naturally falls within the wider setting of the listed building.

12. The proposal would result in a building of more substantial scale, bulk and mass. This would distort the appearance of the terrace, as would the introduction of a garage door. The proposed development would be closer to the listed building than the existing dwelling. It would be visually prominent in views along Clay Lane when taking in the listed building and the host terrace. I therefore consider that the proposal would adversely affect the setting of the listed building by introducing inappropriate and poorly designed development into its current roadside setting.
13. The National Planning Policy Framework (the Framework), at paragraph 205, requires that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation, and the more important the asset, the greater that weight should be. For the reasons given above, I have found that the proposal would harm the setting of the grade 2 listed building, Frog Hall Farm. However, I accept that as the proposal would not result in the loss of or works to the actual designated heritage asset, this harm must be viewed as less than substantial and therefore in accordance with paragraph 208 of the Framework, I need to weigh this harm against any public benefits that the scheme would deliver. However, the grounds of appeal do not advance any considerations that could be classed as public benefits.
14. I find on the main issue that the proposed development would harm the character and appearance of the host property and the wider surroundings, including the setting of the grade 2 listed building, Frog Hall Farm. As the proposed development would not amount to an extension of appropriate size that is respectful to the character of the area, would fail to integrate high quality design and be unsuccessful at conserving the setting of a designated heritage asset, there would be conflict with the aims of Policies S4, ENV1 and ENV3 of the East Riding Local Plan 2012-2029 Strategy Document (ERLP SD) adopted in April 2016. There would also be a failure to adhere to the Framework insofar as it relates to achieving well-designed and beautiful places and conserving and enhancing the historic environment. The scheme eschews various design principles within the National Design Guide particularly in relation to context and identity.
15. Bubwith Parish Council supported the application. However, like the East Riding of Yorkshire Council, I have found the scheme to be visually unacceptable. Parish Councillors and the officer's report expressed reservations in terms of highway safety/parking. Such concerns did not find their way into the decision notice which must represent the settled view of the East Riding of Yorkshire Council. This and the fact that I have decided to find against the appeal scheme on the main issues means that it is not necessary for me to explore these concerns any further.
16. Attached to the Council's Questionnaire was *Design Guidance for Home Extensions*. I have no information about its date of publication, its relationship to the

ERLP SD or whether it was ever adopted as a supplementary planning document or as supplementary planning guidance following public consultation. In any event, it is not referred to in the appellant's written representations or by the Council in its decision notice or officer's report. I have therefore had no regard to it.

17. For the avoidance of doubt, I should point out a discrepancy in the submitted plans. The front view on drawing no. MC 3 A does not show a shadow line to mark the break in wall plane depicted on the floor plans and side view. This could have been addressed by a planning condition requiring the submission of an amended front view had I been minded to allow the appeal. However, more generally, the visual harm I have identified cannot be mitigated by the imposition of planning conditions.
18. My finding on the main issue is decisive to the outcome of the appeal. There would be conflict with the development plan and there are no material considerations that outweigh this conflict. For the reasons given above, I conclude that this appeal should not succeed.

Andrew Dale

INSPECTOR