



Appeal Decisions

Site visit made on 26 November 2024

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 20 December 2024

Appeal A: APP/C9499/W/24/3348301

The Old Vicarage, The Vicarage Road, Downholme, North Yorkshire, DL11 6AE

- 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 Robert Hughes against the decision of the Yorkshire Dales National Park Authority.
 - The application Ref R/19/3F, dated 15 September 2023, was refused by notice dated 25 April 2024.
 - The development proposed is described as 'construction to detached double garage and garden store'.
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Appeal B: APP/C9499/Y/24/3348302

The Old Vicarage, The Vicarage Road, Downholme, North Yorkshire, DL11 6AE

- 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 Robert Hughes against the decision of the Yorkshire Dales National Park Authority.
 - The application Ref R/19/3G/LB, dated 15 September 2023, was refused by notice dated 25 April 2024.
 - The works proposed are described as 'construction to detached double garage and garden store'.
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Decisions

Appeal A

1. The appeal is dismissed.

Appeal B

2. The appeal is dismissed.

Procedural Matters and Background

3. Since 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. On 12 December 2024 the government published its revised National Planning Policy Framework (the Framework). Whilst this post-dates the evidence provided by the main parties in relation to this appeal, since the revised Framework's approach to the main issues in this case has not altered
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significantly, I confirm that all references to the Framework in this decision are to the updated 2024 version.

Main Issues

5. The main issues are whether the proposal would preserve a Grade II listed building, Old Vicarage (Ref: 1130862) and any of the features of special architectural or historic interest that it possesses, and whether it would preserve or enhance the character or appearance of the Downholme Conservation Area.

Reasons

The listed building and the conservation area

6. The Old Vicarage was built in 1860 of rubble with ashlar dressings and has a stone slate roof. It is arranged over two storeys and is located on the west side of the A6180 outside the main part of the hamlet of Downholme. The front of the vicarage faces east towards the main road and the village, and its side elevation faces south onto a garden area. It has a long access drive from the road which dissects the garden and leads to a walled courtyard between the vicarage and its historic two storey coach house.
7. The listing for the building includes any free-standing object or structure erected before 1 July 1948 within the curtilage of the listed building under Section 1(5) of the Act. This is irrespective of whether or not it has been explicitly identified in the list description. In this instance this includes the coach house and the garden walls because these structures are within the historic curtilage of the listed building, and appear to have been erected prior to 1948. Whilst the listing description does not mention the coach house or the garden walls, I am conscious that the list entry is intended primarily for identification purposes and is not a definitive description of the features of interest that are present.
8. Built in a more polite style to the usual vernacular dwellings, the vicarage includes features not typical of the local area. Its hipped roof, bay window and L shaped plan form differentiate it from traditional Dales farmhouses and are features that suggest an intentional display of status. The courtyard area was originally the main entrance to the appeal property and there is evidence of a blocked gateway within the wall to its western edge. The appellant refers to other alterations and changes that have taken place, including extensions to the vicarage, the introduction of the access drive through the garden area, and alterations to the garden walls and pathways.
9. Nevertheless, despite these alterations the vicarage remains an impressive and attractive example of a higher order traditional rural dwelling. For the most part, it also retains its historic layout and relationship with the coach house and the courtyard as well as the surrounding more formal garden area and boundary enclosures. From the evidence before me, I find that the special interest of the listed building is drawn from its age, historic fabric as well as its architectural features and historic role and purpose in the rural settlement. It is also derived from its characteristic relationship with the coach house and surrounding gardens including the distinctive arrangement of the courtyard

area and walls within the site. All these elements are important overall to the special interest of the building in terms of these appeals.

10. The appeal building is within the Downholme Conservation Area. This covers much of the dispersed rural settlement which is characterised by its vernacular architecture along with the longstanding and continued farming practice in the local area and its beautiful landscape setting. Thus I consider that the significance of the conservation area, in so far as it relates to these appeals, is mainly derived from the quality and variety of the historic rural buildings and the spaces and gardens around them which make up the attractive village.
11. The Conservation Area Appraisal (CAA) refers to the vicarage's imposing appearance, high boundary walls and prominent position at the road junction and triangle of green space at the eastern entrance to the village. It is identified as a 'landmark'. Whilst the CAA does not specifically identify the vicarage's garden as being of particular importance, its openness and verdant nature contributes to the rural character of the village at its entrance. Thus I find that the appeal building is an important feature of the village with a strong gateway presence, it contributes positively to the historic character and appearance of the conservation area and its significance as a heritage asset in relation to these appeals.

The proposed development and works

12. The proposed detached double garage would be sited in the grassed garden area to the west of the driveway which is immediately to the south of the coach house and the courtyard. It would face north into the courtyard and would incorporate the existing wall there as part of its front elevation. Two sections of the wall would be removed to provide the garage doors.
13. The garage would be constructed of timber above a stone plinth and have a hipped slate roof. Its scale and design is intended to be sympathetic and subservient to the vicarage and the coach house and distinct from them in terms of materials. The rectangular layout and conventional doors would ensure the garage has a utilitarian and secondary appearance. The use of stone and timber are intended to give a softer contemporary character which would be readily identified as a modern addition to the site.
14. As described above, I appreciate that the introduction of the driveway (which the appellant indicates occurred in 1964) has dissected the garden into two parts and would have led to the loss of a section of the stone boundary wall to the courtyard at that time. I also accept that the grassed area to the west of the driveway has a different character to that to the east of the driveway which is closer to the vicarage, and delineated by shrubs and planting and includes more formal planting beds. Nevertheless, despite these factors, the two areas still relate strongly to each other and continue to read as the open historic garden area associated with the impressive vicarage. The proposal would introduce new built development into this area.
15. Although the outlook from the vicarage's south elevation over the garden area would be retained, the garage would be located close to the vicarage and the coach house and outside the current extent of the courtyard. It would be seen on approach to the courtyard up the driveway and despite its scale and

design, would be appreciated as an unwelcome incursion of built development into the garden area that would extend well beyond the courtyard and southern elevation of the vicarage. To my mind it would erode the important role of the formal garden area, and draw attention away from the historic vicarage and the coach house by competing with them visually.

16. The parameters of the courtyard would not be altered and the line of its historic delineation along its southern boundary would be retained. However, since the rear and side elevations of the proposed garage would effectively become the boundary, the character of that historic and traditional boundary enclosure would be completely altered and the relationship between the courtyard and the garden eroded. Although the appellant argues that the proposed garage's position directly abutting the courtyard's southern boundary wall would be reflective of the coach house's position against the northern boundary, it remains that, unlike the coach house, the proposed garage would be sited outside the courtyard.
17. In introducing a new building to the southern edge of the courtyard and subsuming the historic boundary wall, the proposal would undermine the historic layout of the courtyard and upset the relationship between the historic vicarage and coach house and the courtyard. Additionally, in removing two 2.5 metre sections of the traditional stone wall to provide the two sets of double doors to the garage, the proposal would lead to the loss of historic fabric.
18. Taking these factors into account, I find that the proposal would unacceptably undermine the open nature of the site and erode the sense of its role as part of the vicarage's formal garden. It would distract from the historic vicarage and coach house and reduce their prominence. It would also undermine the characteristic relationship between the vicarage, the coach house and the surrounding gardens. In doing so it would diminish the distinctive arrangement and layout of the courtyard area and its boundary walls. As such, overall it would reduce the listed building's integrity and authenticity.
19. The garage would be sited towards the end of the driveway and would be to some extent screened by the site's boundary enclosures and planting. Nevertheless, views of it from the main road would be possible including down the driveway. The CAA sets out a summary of issues threatening the special interest of Downholme which include 'unsympathetic modern additions to traditionally built houses or new structures in their curtilage'. Despite being seen against the backdrop of the existing buildings on the site and the northern boundary wall, I consider that the proposed garage would be appreciated as a new and unwelcome addition to the site.
20. Bringing matters together, for the reasons given I find that the proposal would undermine the building's historic legibility and fail to preserve its special interest. In causing harm to the listed building, which also contributes to the historic significance of the conservation area, the proposal would also detrimentally affect how the conservation area is experienced. I therefore consider that the proposal would cause harm to the significance of the conservation area and would fail to preserve its character and appearance.

21. In coming to this view I have had regard to the argument that the garage would allow vehicles to be removed from the courtyard to enable a more open character. That said, I am not convinced that the parking of vehicles within the courtyard area detracts visually from the site to the extent that the proposed garage would. I am also mindful that parking in the courtyard could not in any event be prohibited even if the garage were to be built. As such, this matter adds no weight in favour of the proposal, and does not offset the harm that would arise to the heritage assets that I have described.

Heritage balance

22. I therefore conclude on the main issues that the proposal would fail to preserve the special interest of the listed building and the significance of the conservation area. I give this harm considerable importance and weight in the balance of these appeals.
23. The Framework advises at paragraph 212 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. I find the harm to the heritage asset to be less than substantial in this instance, but nevertheless of considerable importance and weight. Paragraph 215 of the Framework requires that less than substantial harm should be weighed against the public benefits of the proposal, including where appropriate, securing its optimum viable use.
24. As considered above, I am not convinced that the removal of car parking from the courtyard could necessarily be ensured as a result of the appeal proposal or that this in any event represents an improvement to the listed building itself. As such I am not persuaded that any public benefits arise in this regard.
25. The appellant indicates that the garage would also provide security for vehicles in a remote rural location. However I have seen nothing to demonstrate that this is a particular problem at the appeal property, or what other solutions have been considered and ruled out. This being so, I cannot be content that alternative security measures could not be used to achieve this benefit (which in any event is essentially private rather than public).
26. Thus I find that any public benefits of the proposal would not outweigh the harm to the heritage assets that I have identified, and the considerable importance that this carries.
27. Accordingly, the proposed development and works would fail to satisfy the requirements of the Act and the Framework. They would also be in conflict with Policy L1 of the Yorkshire Dales Local Plan which indicates that proposals that result in less than substantial harm to a designated heritage asset will only be permitted where it can be demonstrated that the public benefits of the proposal clearly outweigh the loss of significance.

Other matters

28. The appellant submitted a Design and Access Statement containing heritage information which was not disputed by the Authority, and was also open to altering the scheme during the Council's consideration of the applications. However these matters add no weight in favour of the proposals.
29. I understand that the existing openings in the east elevation of the coach house are not large enough to accommodate modern vehicles, and alterations to that building were discounted as being more harmful than the appeal proposals. The appellant also considered siting the garage further south into the garden area, but this was ruled out by the Authority. Be that as it may, these matters do not alter the harm I have identified.

Conclusion

30. For the above reasons, and taking all other matters raised into consideration, I conclude that both appeals should be dismissed.

E Worthington

INSPECTOR