



Appeal Decision

Site visit made on 10 April 2025

by R Catchpole BSc (hons) PhD MCIEEM IHBC

an Inspector appointed by the Secretary of State

Decision date: 22 April 2025

Appeal Ref: APP/C2741/Y/25/3358889

7 St Martin's Lane, York YO1 6LN

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Ms K Jakobsen (Trafalgar AS) against the decision of City of York Council.
 - The application reference is 24/00907/LBC.
 - The works proposed comprise the application of render and external insulation to an existing gable wall.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposal preserves a Grade II listed building known as “Numbers 2, 2A and 3-7 (Consecutive) and Attached Boundary Stone” (Ref: 1256769) (the LB), and any of the features of special architectural or historic interest that it possesses and the extent to which it preserves or enhances the character or appearance of the York Central Historic Core Conservation Area (the CA).

Preliminary Matters

3. As the proposal is in a conservation area and relates to a listed building I have had special regard to sections 16(2) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) (the Act).
4. For reasons of clarity, I have shortened the description of the works that was on the application form to remove unnecessary wording for the purposes of this appeal.
5. The proposed works have already occurred and the application has been made retrospectively. I have seen the effect and I am satisfied that it has been carried out according to the plans that have been submitted. This is the basis upon which this appeal has been determined.

Reasons

6. The appeal site (No 7) comprises a single dwelling at the end of a listed, three storey terrace which fronts directly onto a narrow, cobbled street. It faces the churchyard of the Church of St Martin cum Gregory. No 7 is at the southern end of the terrace. The gable end of this property faces a gap left by the demolition of an adjoining, terraced building. A neighbouring public house, The Ackhorne, is located on the other side of the gap. The demolition exposed an internal wall which was

subsequently covered in a cement-based render prior to the listing of the terrace in 1997. The internal wall on the other side of the gap remains exposed.

7. The LB dates from the mid-19th century and is constructed from red brick with two horizontal stone bands at each floor. A dentilled stone band forms a cornice along the eaves which has integrated lintels. Windows have splayed brick headers with central keystones and doors are generally of four panel design with overlights. The composition has a well preserved, repetition of architectural features. The terrace is illustrative of high-density housing development within the city centre which contrasts with the higher status dwellings that front onto the adjoining Micklegate.
8. Given the above, I find that the special interest of the LB, insofar as it relates to this appeal, to be primarily associated with the consistent expression of its architectural form and predominant use of brick.
9. The CA covers an area encompassing the historic core of York with the LB being situated in the Micklegate Character Area. Micklegate forms the principal historic route into the city and is characterised by dense rows of three or four storey Georgian houses on both sides of the street which create a sense of enclosure. St Martin's Lane also shares this characteristic, but on a more intimate scale, as one of the small clusters of 19th century terraces to the south of Micklegate that were built on ecclesiastical land. Whilst it does not face other dwellings, the churchyard wall and railings contribute to its enclosed quality.
10. Given the above, I find the significance of the CA, insofar as it relates to this appeal, to be primarily associated with the legibility of the historic phasing and intimacy of its medieval lanes.
11. The works comprise a layered covering which has been applied to the gable end. This consists of a 50 mm expanded polystyrene panel which is mechanically fixed to the brickwork. This has been covered with mesh reinforcement and a 3 mm render basecoat. The finished surface comprises a 1.5 mm silicone render topcoat which is currently a dark grey colour.
12. I observed that there are sustained views of the gable from the southern end of St Martin's Lane which lessen on approach as the flanking building façades start to dominate kinetic views. I accept that the majority of the gable is only visible in close proximity. I observed both the depth of the covering and the uneven finish on the side are highly incongruent when this profile is viewed against the brick façade of the main elevation. Although this junction is only glimpsed, the poor quality of the finish along with the jarring juxtaposition of this alien material detracts from the consistent composition and high quality materials of the main façade in a way that a traditional, thinner render would not.
13. The appellant suggests that there has been no change to the permeability of the material which was in place when the building was first listed. The appellant acknowledges that it is not a building with a traditional render finish but that this has resulted from a need to adapt to the removal of the adjoining building. The appellant makes the point that the application of the non-breathable material is no more harmful to the internal moisture balance of the building than was previously the case. The appellant also suggests that it could be painted white or red to mitigate the contrasting visual impact of its colour.

14. Whilst I accept that the breathability of the current render is no different to the one it replaced, it is no substitute for a fully breathable lime render which would not continue to trap moisture within the building. The overall moisture balance would be better regulated under such circumstances. However, I also accept that the overall effect is neutral with respect to comparative breathability. Although a white or red colour would be less visually harmful, this would not address the incongruent thickness of the covering or the poor workmanship which has led to an uneven, poor-quality interface with the brickwork of the main façade.
15. The appellant points out that the approach adds strength to the poor quality brickwork so that a stable base for the render top coat was achievable which could be guaranteed by the contractor not to fail. Be that as it may, I have no evidence before me to suggest that breathable alternatives could not be used under the circumstances.
16. Given the above, I find that the proposal has harmed the special interest of the LB but not the significance of the CA as a whole bearing in mind the limited extent of its prominence. Whilst not breathable, I acknowledge that the works prevent direct water ingress. Although this has a beneficial effect on the asset, this is insufficient to outweigh the harm that I have identified. Consequently, the proposal fails to preserve the special interest of the listed building and I give this harm considerable importance and weight.
17. Paragraph 212 of the National Planning Policy Framework 2024 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to the asset's conservation. Paragraph 213 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification.
18. Given the scope of the works and limited visual impact, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight. Where a proposal leads to less than substantial harm to the significance of designated heritage assets, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimal viable use.
19. The appellant is of the opinion that the proposal is beneficial because it helps to maintain the building in a good condition. Specifically, because the previous render had failed and allowed water ingress. I accept that the prevention of direct water penetration is a public benefit and I give this moderate weight. However, I do not find that this is sufficient to outweigh the visual harm that I have identified.
20. Given the above and in the absence of public benefits that outweigh the harm that has been caused, I conclude that, on balance, the works fail to preserve the special historic interest of the Grade II listed building.
21. This fails to satisfy the requirements of the Act, paragraph 210(a) of the Framework and conflict with the policies D5 and D11 of the City of York Council Local Plan 2025 insofar as relevant. They seek, among other things, to preserve, enhance or better reveal those elements which contribute to the significance of listed buildings and to ensure that proposals sustain the significance of heritage assets.

Conclusion

22. Given the above and considering all other matters raised, the appeal should be dismissed.

Roger Catchpole

INSPECTOR