



Appeal Decisions

Site visit made on 24 June 2026

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 July 2026

Appeal A Ref: APP/U2750/W/25/3375393

1 Church Row, Kirkby-In-Cleveland, Middlesbrough TS9 7AJ

- 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 Mrs Alexandra Scott against the decision of North Yorkshire Council.
 - The application Ref is ZB25/01402/FUL.
 - The development proposed is application to carry out repairs and alterations to a single storey rear extension. Remove and replace existing roof and repoint mortar to sandstone walls. Convert part of the extension from a outbuilding to a habitable room, replace a door with a window and remove chimney stack from the roof.
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Appeal B Ref: APP/U2750/Y/25/3376403

1 Church Row, Kirkby-In-Cleveland, Middlesbrough TS9 7AJ

- 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 Mrs Alexandra Scott against the decision of North Yorkshire Council.
 - The application Ref is ZB25/01403/LBC.
 - The works proposed are application for listed building consent to carry out repairs and alterations to a single storey rear extension. Remove and replace existing roof and repoint mortar to sandstone walls. Convert part of the extension from a outbuilding to a habitable room, replace a door with a window and remove chimney stack from the roof.
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Decision

1. **Appeal A:** The appeal is dismissed.
2. **Appeal B:** The appeal is dismissed.

Applications for costs

3. An application for costs was made by Mrs Alexandra Scott against North Yorkshire Council. This application is the subject of a separate decision.

Preliminary Matters

4. These decisions address both planning and listed building consent appeals for the same site and the same scheme. To reduce repetition, and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter. I have omitted the word retrospective from the banner heading as this is not a description of either development or works. Nonetheless, the development/works subject of these appeals has been partially undertaken, and I am dealing with the appeals in part retrospectively.

5. As the proposals relate to a listed building in a conservation area, 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).

Main Issue

6. The main issue is whether the proposals would preserve a Grade II listed building, known as The Cottages, and any features of special architectural or historic interest which it possesses and the extent to which the proposals would preserve or enhance the character or appearance of the Kirkby-In-Cleveland Conservation Area (CA). (Both Appeals)

Reasons

Special interest and significance

7. The appeal premises form one part of the Grade II listed building known as The Cottages, which dates to the mid-late eighteenth century. The listed building comprises of three dwellings, albeit the listing indicates that it was possibly a single dwelling historically. The building is two storey's and is constructed with a coursed herringbone-tooled sandstone, pantiles with a stone ridge. The listed building's materials and design with boarded doors, sash windows with keyed lintels and stone cills, roof copings and chimney stacks make for a pleasing appearance within a row of properties that, whilst having differences, share similar characteristics to form a cohesive ensemble.
8. From the evidence before me, the special interest and significance of the listed building, in so far as it relates to these appeals, is largely derived from its historic and architectural interests as mid-late eighteenth century cottages, which form an integral element of the historic built environment in this part of Kirkby-In-Cleveland. The listed building's age, traditional materials and construction techniques, combined with its pleasing frontage make important contributions to its special interest and significance.
9. There is a clear distinction between the front and the rear facades of the listed building, such as the lack of keystones above the windows, which reflects the difference in their status. The rear of the appeal premises is seen from the adjacent public right of way, and it includes a single storey rear wing, which the listing indicates is at least as early as the house.
10. There is no substantive evidence before me regarding the age of the chimney stack that was removed from the wing. However, from the photographic evidence it was not a recent addition and had aesthetic and evidential value due to its age, bricks, and position breaking up, and adding interest to, the ridge. The rear wing's height, fenestration and door pattern are distinct from the two-storey core of the host property. The contrasting characteristics between the two-storey part of the house and the rear wing illustrate the historic functionality of the home and the lifestyles of the household. This, combined with the rear wing's age, materials, and traditional construction techniques all contribute to the aesthetic and historical values of the host property, and in turn, to the significance and special interest of the listed building as a whole.
11. The CA extends around the appeal site along Kirkby Lane and incorporates the historic core of the village around the crossroad. Its character and appearance are

largely derived from the surviving elements of its historic layout, open spaces, and street pattern, combined with the architectural richness of its historic buildings. These include the St Augustine's Church, which sits prominently along Kirkby Lane and the row of separately listed cottages that include the appeal premises. In this regard, the heritage interest and value of the historic residential properties within this part of the CA, including the appeal premises, positively contribute to its character and appearance as a whole, and thereby to its significance as a designated heritage asset.

Appeal proposals and effects

12. There is no dispute that the chimney was not an original feature or that it was not functional when it was removed. However, it had historic and architectural interest. Its permanent loss would therefore result in some harm.
13. Whilst the use of matching pantiles is proposed, the existing roof tiles on the listed building are clearly of some age, as were those on the rear wing. The overall weathered appearance of the existing roof complements the local stone used in the listed building. Any alternative pantile and ridge tiles for the single storey wing could have subtle variations, for example in size, profile and colour. There are no specific details of the actual pantiles proposed to be used, their detailed process of installation or how they would be guided by an understanding of this particular listed building. There would be harm from the loss of historic fabric, whilst I note the assurance of the appellant, without substantive evidence I can not fully understand the degree to which there would also be harm from the replacement roof and whether it would harmonise with the wider roofscape of the listed building.
14. The modest widening of the internal doorway between the utility room and the former workshop/existing store (hereafter referred to as the store) would result in further loss of historic fabric. The proposals would also involve the alterations of a historic external door opening to form a window with stone walling below as part of the conversion of the store. This would erode the hierarchy of spaces and the historical narrative of the rear wing by weakening the legibility of the historical doorway. However, I also have concerns regarding the proposed design treatment.
15. The local stone used in the building's façade around the door has a distinct appearance due to its use of tooled sandstone, the size of the stones, their age, colour tone and subsequent weathering. As does the threshold to the doorway in its own way, which is also positioned such that it protrudes slightly beyond the stone wall. Whilst the appellant indicates the materials would match, in the absence of full details forming part of the submission, and showing how the existing historic threshold would be treated, I am not persuaded that the infilling would integrate well within the existing opening.
16. The existing and proposed floor plans and external elevations are drawn at 1:100 scale, whilst the 1:20 drawing of the proposed window is a simple drawing lacking full technical detail. In this regard, there are no detailed drawings at a more in-depth scale comprehensively showing the full extent of the works/development proposed. For example, the plans do not show how the section above the window and below the stone arch would be treated or a cross section of how the window would sit within the opening. Supporting evidence indicates that the proposed window would be similar to the kitchen window in the appeal premises. However,

the kitchen window is not an original window and is installed with a protruding timber cill that is not an authentic feature on this listed building.

17. Based on the details before me, taken together I am not convinced that the loss of the door, partial infilling below, insertion of the new window, and the treatment of space between the new window and arch would harmonise well in this opening surrounded by the existing stone given its detailing, age and size, the threshold and the shape of the opening. While these alterations are technically reversible, the infilling (and resulting harm) would be a feature for some considerable time and there is no evidence that such a prospect of it being reversed is likely.
18. The plans before me also do not show the full details of how the converted store would be insulated, plastered, heated, cooled and services added or the mortar mix specification for the repointing proposed, or how these elements and materials have been informed by an understanding of the listed building from a suitably qualified individual. Nor do they show the specifications of the rooflights and the extent of flashing visible.
19. It is also unclear from the plans before me what is proposed for the UPVC window in the store, which is shown on the plans but not specified in the description of the works/development. Moreover, reference is made to alternative kitchen ventilation following the removal of the chimney but firm details of what this entails, and any implications for the historic fabric of the listed building, are not before me.
20. Cumulatively the lack of detail casts significant doubt as to what I would be granting were I minded to allow the appeals. The appellant suggests that further details could be reserved by way of conditions. As could, it is put to me, the reinstatement of the chimney even though this would be at odds with the proposed plans and the description of the works/development. However, detailed plans and specifications are necessary to enable a robust assessment of the proposals and in the interests of certainty. Cumulatively the details would inform whether there is harm, and if so, the level of harm. Given the significant doubt as to what I would be granting, it would not be appropriate to reserve such matters by way of a condition.
21. It is therefore my judgment, notwithstanding the other documents and information provided within the submissions, and the positive intentions of the appellant, that there is not the appropriate level of detail before me to provide the clear and convincing justification for all the changes proposed. This adds to my concerns regarding the final finish of the scheme and together outweigh the positive heritage impacts from the repairs that form part of the appeals.
22. I therefore find that, even with its positive elements and intentions from ensuring the rear wing is watertight and securing this part of the listed building in the long-term, the proposals would have a harmfully erosive effect on the architectural and historic special interest of the listed building. As such, the proposals would not conserve this designated heritage asset in a manner appropriate to its significance.
23. Part of the character and significance of the CA is the high quality of the historic buildings it contains. This includes this part of the appeal building, which can be seen from the adjacent public right of way. In this regard, given my findings in relation to the listed building, the proposals would, in turn, harm the character and appearance and thus the significance of the CA.

24. Drawing the above together, the proposals would fail to preserve the special interest of the Grade II listed building, and would fail to preserve or enhance the character of the CA. As a result, the expectations of the Act have not been met and the proposals would harm the significance of these designated heritage assets.

Public benefits

25. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 213 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
26. With reference to paragraphs 214 and 215 of the Framework, in finding harm to the significance of the designated heritage assets, the magnitude of that harm should be assessed. Although, for the purposes of undertaking the heritage balance, the Framework does not require the decision maker to place the harm on a spectrum, I acknowledge that within each category of harm, the extent of the harm may vary.
27. In this instance, as the harm would be contained to the rear single storey wing of the appeal premises, the harm to the listed building and the CA individually and together, would be 'less than substantial'. Given the uncertainty previously outlined this harm would be at the moderate to lower end of the spectrum but, nevertheless, of great weight. Under such circumstances, paragraph 215 advises that this harm should be weighed against the public benefits of the proposed development.
28. There will be some very small economic and social benefits associated with the proposals and the general investment into the property. However, the scale of these public benefits is limited by the modest extent of the alterations. I have no reason to doubt that the roof and chimney required repairing and the walls repointing. Thus, the proposals would help maintain the property in the long-term, secure its future use and ensure the safety of users of the right of way. Such matters are supported by national and local planning policies and guidance.
29. Paragraph 218 of the Framework says that the ability to record evidence of our past should not be a factor in deciding whether such loss should be permitted. In this regard, the ability to record the removed chimney through photographic records weighs neither for nor against the proposals.
30. I have no reason to doubt that the appellant was not aware that consent was required for the alterations undertaken to date. Moreover, I accept that there is a clear and pressing need to ensure the rear wing is watertight. However, there is no substantive evidence that such repairs are dependent on everything before me as part of these appeals. There is also no substantive evidence to demonstrate that the continued viable use of the appeal property as a dwelling is dependent on the proposals or that the building's ongoing use would cease in its absence.
31. Overall, clear and convincing justification for the harm that would occur to the significance of the designated heritage assets because of the proposals as a whole, has not been provided. I therefore conclude that even though the heritage

and public benefits weigh in favour of the proposals, they would not outweigh the great weight that I attach to the harm I have found.

32. Accordingly, the proposals would be contrary to the requirements of the Act, the Framework and Policies E1 and E5 of the Council's Local Plan, when taken together and in so far as they are relevant to these appeals. These say, amongst other things, that a proposal will only be supported where it ensures those features that contribute to the special architectural or historic interest of a listed building or its setting are preserved.
33. Having regard to the legitimate and well-established legislative and planning policy aims of the conservation and enhancement of the historic environment, refusal of consents would therefore be proportionate and necessary.

Other Matters

34. My attention has been drawn to other permissions nearby, which have involved alterations to listed buildings within the CA, including through replacing pantiles and alterations to rear wings. In particular I have been referred to several applications at Lychgate and at Ivy House. However, from the evidence before me these predate the current Local Plan and the current Framework. Moreover, from my observations they illustrate the subtle variations available in materials such as stonework, tile sheen and colour, fenestration, extent of flashing on roof lights, and different design treatments of doorways. Whilst I have had regard to the planning history, including the Council's decisions at that time, I have reached my own conclusions on the significance and special interest of the listed building subject to these appeals and the specific details and design of the proposals having regard to all the plans and evidence before me.
35. The appellant was willing to make changes with a view to finding a solution. However, concerns regarding the processing of the applications, including matters relating to communication are not issues that I can assess as part of these appeals. I have considered the scheme on the evidence before me on its own merits, and the validity or not of any concerns regarding the processing of the applications do not alter the effects of the scheme before me.

Conclusion

36. **Appeal A:** The proposed development would conflict with the development plan and there are no material considerations which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, I conclude that Appeal A should be dismissed.
37. **Appeal B:** For the reasons given, I conclude that Appeal B should be dismissed.

Mr R Walker

INSPECTOR