



Appeal Decision

Site visit made on 14 January 2015

by Ian McHugh DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 April 2015

Appeal Ref: APP/ Y2736/A/14/2227941

Stone Lodge, Main Street, Sheriff Hutton, York, YO60 6ST

- 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 D J Weston and Mrs H P Spath against the decision of Ryedale District Council.
 - The application Ref 14/00197/FUL, dated 17 February 2014, was refused by notice dated 23 May 2014.
 - The development proposed is the demolition of existing single-storey outbuilding and erection of two-storey dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve or enhance the character or appearance of the Sheriff Hutton Conservation Area (CA).

Reasons

3. The appeal site currently forms part of the residential curtilage of Stone Lodge, which is a two-storey detached dwelling, situated on the southern side of Main Street. The surrounding area is primarily residential in character, with the exception of the Castle Inn PH, which adjoins the site to the east. The appeal site is in an elevated position, set-back from the road and is partially obscured by trees and vegetation. Access to the site is from Main Street across the registered Village Green, which is common land. A public footpath runs alongside the rear boundary of the site. The proposed dwelling would be clearly visible from this footpath. The remains of Sheriff Hutton Castle, which is a Scheduled Ancient Monument (SAM) are located to the south-west of the site.
 4. The appeal site is within the CA, which includes much of the historic core of the village. The CA contains a mix of buildings of differing sizes, designs and materials, together with areas of open land in the vicinity of the SAM. Stone Lodge and the neighbouring dwelling to the west (Castlegate) are of a contemporary design and appearance. The Council states that these properties do not make a positive contribution to the character and appearance of the CA
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and, therefore, they should not be used as a design template for further development in the CA.

5. The proposal is to demolish an existing single-storey outbuilding on the site and to construct a two-storey detached dwelling with an attached garage. In my opinion, the existing outbuilding is of little architectural or historic merit and its demolition would not be harmful to the character or appearance of the CA. The proposed dwelling is of a modern design and would contain a mix of external materials, including stone and rendered walls, cedar boarding and a slate roof. Its southern roof slope would contain a number of solar panels.
6. The Council states that it has no objection to the principle of a new dwelling on the appeal site, as this would represent infill development within the village boundaries. I have no reason to disagree with the Council's view in this regard. The Council has also suggested that a single-storey dwelling would be an appropriate form of development. Again, despite the appellant's assertions, I have no reason to question the Council's view, given that there is already a single-storey building on the site.
7. The Council contends that the appeal proposal would fail to preserve or enhance the character and appearance of the CA because of its siting, scale and modern design. The Council also points to the loss of an existing view of the SAM from Main Street and Cobble Lane, due to the proposed siting, height and mass of the new dwelling. It considers that the loss of this view, together with the loss of the "openness" between existing buildings, would also be harmful to the character and appearance of the CA.
8. Consequently, the Council contends that the appeal proposal would conflict with Policies SP12, SP16 and SP20 of adopted Ryedale Plan. These policies seek (amongst other things) to protect the District's historic assets; to ensure that development proposals create high quality places and reinforce local distinctiveness; and to ensure that new development respects the character and context of the immediate locality and the wider landscape/townscape character. In my opinion, these policies accord with the principles of the National Planning Policy Framework (the Framework).
9. I acknowledge the Council's view that both Stone Lodge and Castlegate do not make a positive contribution to the character and appearance of the CA and, therefore, they should not be used as a guide or template for the design of a new dwelling on the site. However, I am not persuaded that (in itself) the design of the proposed dwelling would be unacceptable. It would be in scale with its surroundings and it could be regarded as a transitional building between the modern appearance of Stone Lodge and the more traditional style of the Castle Inn PH and its ancillary buildings.
10. Furthermore, the proposed dwelling would be constructed using external materials that are used on buildings elsewhere within the CA. Consequently, I consider that the design of the dwelling would preserve the character and appearance of the CA. Concern has been raised regarding the installation of solar panels on the rear roof slope of the proposed dwelling. These would be highly visible from the public footpath at the rear of the site. However, solar panels and rooflights are evident on Stone Lodge and Castlegate and they

would also add to the sustainability credentials of the proposed development. Consequently, the inclusion of solar panels does not weigh against the proposal.

11. I note that English Heritage states that the proposal would not have any direct physical impacts on the SAM or negative impacts on its setting. However, I do share the Council's concern regarding the loss of the view of part of the SAM from the northern side of Main Street, close to its junction with Cobble Lane. I acknowledge that this view is limited due to the positioning and distance from the SAM, and by existing buildings, mature trees and vegetation. Despite these factors, in my opinion, it is an important public view of the SAM and one of the few that remains from this part of Main Street. I consider the view to be an important feature of the CA that should be retained, given the significance of the SAM and its importance to the history and development of the village.
12. As a result, I consider that the proposal would be harmful to the character and appearance of the CA. Whilst, in my opinion, this harm is less than substantial in terms of paragraph 134 of the Framework, the evidence in support of the proposal does not lead me to conclude that any public benefits arising from the construction of the dwelling would outweigh the harm that I have identified.
13. For the above reasons, I conclude that the proposal would fail to preserve or enhance the character and appearance of the CA. Consequently, it would conflict with the provisions of the Development Plan and the Framework, as referred to above.

Other Matters

14. The Council has stated that if the planning permission was to be granted, a planning obligation is suggested requiring the payment of £2,210 towards public open space, and £28,000 towards affordable housing. The Council has not provided any further information to justify its required contribution towards public open space. In addition, the National Planning Policy Guidance states that tariff style contributions and contributions towards affordable housing should not be sought from developments of 10 units or less. This has been confirmed as Government policy and therefore attracts significant weight in my decision. Consequently, I find that financial contributions towards public open space and affordable housing are not necessary and the absence of a planning obligation does not weigh against the development.
15. Concern has been expressed locally regarding the increased use of the access track to the appeal site, which would cross the Village Green. I note that no objection has been raised by the highway authority and, in addition, I have not been provided with any substantive evidence that would lead me to conclude that the proposal would be detrimental to the safety of drivers or pedestrians in the area.
16. In reaching my decision, I have also considered the potential for noise and disturbance from the Castle Inn PH adversely affecting the occupiers of the proposed dwelling. Whilst there may be some potential for noise and disturbance from the comings and goings of customers and from use of the external areas of the pub, such close relationships between public houses and dwellings are not uncommon. Furthermore, the occupiers of the new dwelling would be aware of the public house prior to occupation of the property.

17. I note that ecological and landscape issues were considered by the Council when determining the application. These matters were found to be acceptable and I have no reason to doubt the Council's conclusion on these issues.

Conclusion

18. For the reasons given above, it is concluded that the appeal should be dismissed

Ian McHugh

INSPECTOR