



Appeal Decision

Site visit made on 11 June 2015

by **Gary Deane BSc (Hons) DipTP MRTPI**

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

Decision date: 24/06/2015

Appeal Ref: APP/Y2736/D/15/3007572

26 Piercy End, Kirkbymoorside, North Yorkshire YO62 6DF

- 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 and Mrs Gold against the decision of Ryedale District Council.
 - The application Ref 14/01012/HOUSE was refused by notice dated 23 December 2014.
 - The development proposed is the demolition of double garage; erection of workshop and studio.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The name of the appellant is given as Mr George Gold on the planning appeal form, whereas the names appearing on the application form lodged with the Council are Mr and Mrs Gold. As the right of appeal rests solely with the original applicants, I have proceeded on the basis that Mr and Mrs Gold are the appellants in this case, which is reflected in the above header.
3. At the site visit, I saw that the double garage had been demolished and removed with only its concrete base remaining in place.

Main issue

4. The main issue is the effect of the proposed development on the character and appearance of the local area.

Reasons

5. The proposal is to erect a detached single storey building to the rear of the appeal property, which is a mid-terrace dwelling that lies within the Kirkmoorside Conservation Area (CA). The CA derives part of its significance as a designated heritage asset from the long unbroken terraces that often form part of a fine streetscape and the survival of the historic pattern of long linear burgage plots. No 26 is one such example.
 6. I have paid special attention to the desirability of preserving or enhancing the character or appearance of the CA, as required by section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
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7. The new addition would be for use by the appellants as a workshop and studio mainly to make furniture and restore paper artefacts. Its use for these purposes would be consistent with the traditional use of burgage plots by crafts-based practitioners living and working at the same location. The proposal would be sited at the far end of the long and narrow garden of No 26, some distance from the rear of the main house. Established vegetation supplemented by additional planting would partly screen the proposal primarily in views from neighbouring gardens.
8. Nevertheless, the proposal would be a sizeable addition. Its considerable scale, mass and footprint would be significantly larger than the garage that previously occupied part of the site and the existing outbuilding that stands towards the rear of the adjacent plot. The position of the new building would noticeably contrast with the generally undeveloped nature of other nearby rear gardens and existing outbuildings that tend to be either smaller in size or generally more closely related to the host building than would be the case here.
9. In combination, I consider that the size and position of the appeal scheme would cause it to be a visually disruptive and an uncharacteristic addition to this part of the CA. Therefore, it would be incompatible with the intrinsic character of the CA, which would fail to be preserved. I attach considerable importance and weight to this harm.
10. It is true, as the appellants state, that views of the proposal from public and private vantage points would be limited given its position towards the rearmost part of the back garden of No 26. Even so, it would be evident from the open land beyond the rear of the site, although the appellants state that views from this direction will be curtailed once a partly complete residential development is finished. It would also be visible from neighbouring gardens. Irrespective, the requirement for development proposals to preserve or enhance the character or appearance of the CA applies with equal force whether or not the proposal is prominent or available to public view.
11. From the photographs provided, the garage that previously occupied this part of the garden contributed little positively to the character and appearance of the area. In my judgement, its removal has improved the site's appearance although the new replacement is unacceptable for the reasons given. I also note that a 2-storey workshop previously stood nearer to the rear of No 26, the size and location of which differs to the proposal before me.
12. The harm that I have identified to the significance of the CA would be less than substantial in this case. Nevertheless, I am not persuaded that the public benefits of the appeal scheme, primarily through the support given to the local economy and in supporting the appellants' valued work in education and conservation, would outweigh this harm.
13. Drawing these various points together, I conclude on the main issue that the proposed development would cause significant harm to the character and appearance of the local area. Accordingly, it conflicts with Policies SP12, SP16 and SP20 of The Ryedale Plan – Local Plan Strategy (LP). These policies seek to ensure that development conserves and enhances distinctive elements of the historic environment and respects the character and context of the area. LP

Policy SP13, to which the Council also refers, deals with landscapes and so it is less directly relevant to the proposal.

14. The Council raises additional concern that the new building might be used for commercial purposes, which it considers to be inappropriate within a residential setting. Given the considerable size of the new building and the potential flexibility for the use of space within it, the Council's concerns are not unfounded. However, the proposal is not promulgated on that basis and restrictions on the use of the proposed building could be covered by condition. As a result, any material change of use to the new building after the grant of planning permission would then be a matter for the Local Planning Authority to consider in the light of the circumstances prevailing at that time. Consequently, this objection would be insufficient in itself to withhold planning permission if the appeal scheme were to be acceptable in all other respects.
15. The proposal would provide valuable space for the appellants to pursue their particular interests within purpose built accommodation that is separate to but still connected with the main house. I have carefully considered the reasons put forward by the appellants to justify the size of the appeal scheme and noted the space required to accommodate life-sized mock-ups of furniture and other products, of handling 8' by 4' sheet materials with both manual working space and desk space. Even so, I am not convinced on the available evidence that these specialist needs could only be met within a building of the size and scale proposed.

Conclusion

16. Overall, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR