



Appeal Decision

Site visit made on 19 January 2016

by Graham M Garnham BA BPhil MRTPI

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

Decision date: 03 February 2016

Appeal Ref: APP/Y2736/D/15/3138694

North Lodge, Welburn, Kirkbymoorside, YO62 7HG

- 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 & Mrs Fambely against the decision of Ryedale District Council.
 - The application Ref 15/00775/HOUSE, dated 1 July 2015, was refused by notice dated 26 August 2015.
 - The development proposed is erection of a detached garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Appeal Form confirms that the description of the proposed development has changed from that on the planning application form to that recorded in the summary above, and that the appellants' surname is spelt as shown above.

Main Issue

3. I consider that this is the effect of the proposal on the character and appearance of the setting of nearby Grade II listed buildings.

Reasons

4. North Lodge is a former lodge at the formal entrance to the Welburn Hall Estate. Now a private house, it was built in 1895 in the Domestic Revival Style. Its original features, quality and character seem to be largely intact, and have been preserved by a sensitive 2 storey extension in the later 20th century. It is adjoined by another Grade II listed building, comprising the stone wall, gate piers and gates themselves, of the same age and also well preserved. Both are listed for group value. They form an imposing entrance point to Welburn Hall (now a school). The Hall is barely visible some distance away to the south. This degree of separation, and the intervening imposing avenue of mature trees along the drive, reflect the functional relationship of the buildings and the subordinate historic role of the Lodge.
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5. I consider that the quality of the listed buildings, their preservation to date and their siting in relation to the Hall all contribute to the considerable quality and significance of them as designated historic assets.
6. Vehicles are currently parked in the enclosed garden area south of the Lodge. The proposal is to erect a single garage, constructed of green oak horizontal boarding with a roof of stone slates to match the materials and pitch of the Lodge. I regard it as being a sensitive design, appropriate to the setting.
7. However, it is with the siting of the garage that I take issue. It would be just south of the Lodge, close to the boundary with the drive, and nearer to it than the forward most part of the Lodge itself. It would be clearly visible when approaching the gateway and going through it en route to the Hall. As such it would detract from the apparently isolated appearance of the listed buildings. Looking back from the south, it would intrude upon a second important view of the Lodge, again detracting from its appearance and setting. The low picket fence around the garden area south of the Lodge would not provide any form of screening. Even in leaf, the tall lime trees just to the south would be unlikely to provide much screening either. The appellants have offered a planning condition to require some planting to screen the garage. I consider that this would take a considerable time to mature, if it was to be in keeping with the local native species, and in any case it could itself detract from the open nature of the Lodge when seen from the south. Consequently, I find that the siting of the proposal would detract significantly from the heritage quality of the setting of the listed buildings.
8. The Council says that, in principle, a detached garage would detract from the isolated setting of the Lodge. I am not entirely persuaded by this view. There are existing outbuildings, to the rear of the Lodge. They can be seen from the drive to the south. However, they are not seen when approaching and entering the drive, and are relatively minor and secluded features. Their existence indicates to me that the presence of appropriate outbuildings on the site should not be excluded in principle. However, whether a suitable alternative site for a garage could be identified is not for me to say. The appeal includes an alternative location for the garage, which it is suggested could be secured by a planning condition. This siting, to the south of the Lodge but much closer the eastern boundary of the site, would be materially different from the original proposal. Hence I consider that it should be the subject of formal consultation and consideration by the local planning authority, rather than be imposed by condition at the appeal stage.
9. I conclude that the proposal would give rise to significant harm to the setting of the nearby listed buildings. I consider that, given the scale of the building and its sympathetic design, the extent of harm would be "less than substantial" in the terms of paragraph 134 of the National Planning Policy Framework. The public benefit to be set against this would be the removal of unsightly parking in the grounds of the Lodge. I consider that this would be a relatively minor benefit, and one that, while it could be enabled, could not necessarily be ensured by a planning condition. Moreover, I am not aware of any restriction on vehicle ownership by occupants of the Lodge, while a single garage would not be able to accommodate both the vehicles parked on the site at the time of my site visit.

10. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that, "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses". Case law has established that considerable importance and weight should be given to this objective imposed by Parliament, of preserving the setting of listed buildings. In the light of this, I consider that the limited public benefit I have been able to identify would be clearly outweighed by the harm the proposal would cause to the setting of 2 listed buildings.
11. I conclude, overall and on balance, that the proposal would materially harm the character and appearance of the setting of nearby Grade II listed buildings. Such harm would be contrary to Policies SP12 & SP16 in the Ryedale Plan – Local Plan Strategy (2013). These policies, respectively, are intended to conserve and, where appropriate, enhance distinctive elements in Ryedale's historic environment; and to secure high quality development that is integrated with its surroundings and reinforces local distinctiveness. It would also be contrary to the statutory duty cited above and to national planning policy in the Framework.
12. Thus planning permission should be withheld and I dismiss the appeal.

G Garnham

INSPECTOR