
Appeal Decision

Site visit made on 26 April 2016

by Roger Catchpole DipHort BSc(hons) PhD MCIEEM

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

Decision date: 18 May 2016

Appeal Ref: APP/Y2736/D/16/3144553
Embleton, Harome, York YO62 5JF

- 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 C Ward against the decision of Ryedale District Council.
 - The application Ref 15/01041/HOUSE, dated 28 August 2015, was refused by notice dated 2 December 2015.
 - The development proposed is the erection of detached garage and alterations to access.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant has modified the description of development on the appeal form. As this more accurately reflects the scheme I have used it for the purposes of this appeal.
3. As the proposal is in a Conservation Area I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Harome Conservation Area.

Reasons

5. The appeal site is located in the village of Harome and comprises a two storey residential property situated on the principle thoroughfare of Main Street. The rear garden is a narrow plot that extends to a road, Back Lane, with open countryside beyond. The proposed development would comprise a single storey, timber-clad garage positioned approximately 7 m from the verge of the aforementioned road. This is required for the secure storage of a car and other items.
 6. The Harome Conservation Area (HCA) includes the historic core of the village as well as a number of surrounding fields. It has a distinctive rural character with vernacular architecture and traditional materials predominating. Despite the presence of modern infill development and plot subdivision, a medieval toft pattern is still evident, as reflected in the layout of some of the buildings and plots along Main Street. As is common to this type of layout, some tofts still
-

have outbuildings associated with earlier patterns of use. Consequently, the significance of the HCA, insofar as it relates to this appeal, is not only related to its vernacular architecture and traditional materials but also the surviving medieval plot pattern.

7. I observed from my site visit that a number of outbuildings are located at the end of the rear gardens that abut Back Lane and that these are more or less orientated parallel to the road. Four out of five in the immediate area are stone-faced with pantile roofs. The fifth one is brick-faced and set at an angle to the road with a pantile roof. Both the orientation and materials used in newer buildings along Back Lane have largely conformed to this pattern. Furthermore, I observed that a number of historic outbuildings remain, thus supporting the significance of this feature. Given the above, I find that both the materials and orientation of the proposed garage would be highly incongruent and that this would be detrimental to the historic significance of the HCA.
8. Paragraph 132 of the National Planning Policy Framework 2012 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. It goes on to advise that significance can be harmed or lost through the alteration of the asset. Given the scale of the proposal, I find the harm to be less than substantial in this instance. Under such circumstances, paragraph 134 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
9. The appellant maintains that a viable 'fallback position' is present under Part 1, Class E of the Town and Country Planning Act (General Permitted Development) (England) Order 2015. I accept that this would permit the construction of a garage provided it does not exceed 2.5 m in height and cover no more than 50% of the curtilage. Whilst any such building would be lower than the 3.7 m ridge height of the proposed garage, the footprint could be considerably larger. Furthermore, there would be no control over the design or the materials that could be used. Consequently, I accept that the fallback position would be more harmful.
10. I have no evidence before me to suggest that permitted development rights have been withdrawn and I am satisfied that the fallback position is available and could be implemented. However, this option would still be open to the appellant even if the appeal were allowed. This is because if I were to impose a condition to remove any such permitted development rights this would only take effect once the permission has been implemented thus leaving the appellant free to construct a longer outbuilding with an increased footprint in the meantime. The only way in which such an outcome could be avoided would be through a planning obligation in which the appellant forgoes relevant permitted development rights. As no such obligation is before me the fallback position is negated because such rights could be exercised irrespective of the outcome of this appeal.
11. The appellant has suggested that the proposal would affect an area that only makes a 'limited contribution' to the significance of the HCA. Case law¹ has established that proposals must be judged according to their effect on a conservation area as a whole. Bearing in mind the erosion of the medieval

¹ South Oxfordshire DC v SSE & J Donaldson [1991] CO/1440/89

layout and its importance in helping to define the historical legibility of the HCA as a whole, I do not find this to be the case.

12. Given the above, I conclude that the proposal would lead to an incongruent outbuilding that would fail to preserve or enhance the character or appearance of the Harome Conservation Area. In the absence of any substantiated public benefits, the proposal would fail to satisfy the requirements of the Act and paragraphs 131 and 134 of the Framework. This would be contrary to saved policies SP12, SP16 and SP20 of the Ryedale Plan - Local Plan Strategy 2013 that seek, among other things to protect designated heritage assets, reinforce local distinctiveness and ensure that all development respects the character and context of the immediate locality. The proposal would therefore not be in accordance with the development plan. I also find that it would be contrary to paragraph 17 of the Framework which seeks to conserve heritage assets in an appropriate manner for future generations.

Other Matters

13. The appellant has suggested that a condition could be used to ensure that the garage is faced with more appropriate local materials. I accept that conditions can enable development proposals to proceed where it would have otherwise been necessary to refuse planning permission if the adverse effects of the development are mitigated. However, the wooden cladding is only one harmful element, the other being the orientation of the garage within the plot. I acknowledge that this choice has been made for practical reasons but this does not outweigh the harm that I have identified.
14. The appellant considers that the presumption in favour of sustainable development weighs in favour of the proposal. However, paragraph 7 of the Framework advises that there are three dimensions to sustainable development: economic, social and environmental. Whilst it may be possible to deliver positive gains to one of these, this should not be to the detriment of another. In order to achieve sustainable development, the Framework advises that the planning system should ensure that economic, social and environmental gains are sought jointly and simultaneously. This involves not only seeking positive improvements to the quality of people's lives and the built and natural environments but also the historic environment. Given the harm that would be caused to the HCA and considering the Framework as a whole, I conclude that the proposal would not constitute sustainable development.

Conclusion

15. For the above reasons and having regard to all other matters raised I conclude that the appeal should be dismissed.

Roger Catchpole

INSPECTOR