

Appeal Decisions

Site visit made on 13 June 2017

by Mrs A Fairclough MA BSc(Hons) LLB(Hons) PGDipLP (Barrister) IHBC MRTPI

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

Decision date: 2 November 2017

Appeal A: APP/Y2736/Y/17/3167380

Westow Grange, Gally Gap to Four Lane Ends, Westow YO60 7LU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mrs Sarah Jane Barker against the decision of Ryedale District Council.
 - The application Ref: 16/01642/LBC, dated 4 October 2016, was refused by notice dated 9 December 2016.
 - The works proposed are "to construct a new kitchen/sunroom extension to the West elevation".
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Appeal B: APP/Y2736/W/17/3167379

Westow Grange, Gally Gap to Four Lane Ends, Westow YO60 7LU

- 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 Mrs Sarah Jane Barker against the decision of Ryedale District Council.
 - The application Ref: 16/01641/HOUSE, dated 4 October 2016, was refused by notice dated 9 December 2016.
 - The development proposed is described as "to construct a new kitchen/sunroom extension to the west elevation".
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Decision Appeal A

1. The appeal is dismissed.

Decision Appeal B

2. The appeal is dismissed.

Main Issues

3. Westow Grange is a Grade II Listed Building. It is located within a locally designated area of High Landscape Value. Therefore, the main issues are whether the proposal would preserve the Grade II Listed Building (or its setting or any features of special architectural or historic interest which it possesses) in respect of both appeals and linked to that the effect of the proposal on the character and appearance of the locality with particular reference to the locally designated area of landscape character in respect of Appeal B only.
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Reasons

First issue

4. The proposal includes the construction of a single storey extension to the west elevation of the dwelling. It would extend the existing kitchen area and create a sun room. This would involve the removal of a small privy outbuilding attached to an external boundary wall¹. In addition, the scheme requires the loss of walling and a casement window in order to link and break through into the existing kitchen. It would also include the relocation of an LPG tank.
5. The starting point for the consideration of the proposed works to a listed building is Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (The Act), which requires that special regard is had to the desirability of preserving the building, or its setting, or any features of special architectural interest it possesses.
6. With regard to the planning application, the Council has referred to several policies. Policy SP12 of the *Ryedale Plan – Local Plan Strategy* (LP) (dated 5 September 2013) seeks to conserve the distinctive elements of Ryedale's historic environment and where appropriate enhance it. LP Policy SP13 encourages new development that reinforces the distinctive elements of the District's broad landscape character areas including the Yorkshire Wolds. LP Policy SP16 requires that development proposals will be expected to create high quality durable places that integrate well into their surroundings and reinforce local distinctiveness among other things. With regard to extensions LP Policy SP16 also states that extensions that complement the character of the architectural style will be considered acceptable in principle. LP Policy SP20 follows this approach and states, amongst other things, that new development will respect the character and context of its immediate locality and the wider landscape. LP Policy SP20 also states that the design of new extensions will be appropriate and sympathetic to the character and appearance of the existing building in terms of scale, form and materials. These policies accord with the National Planning Policy Framework (the Framework).
7. A brief history and basic construction information of Westow Grange is set in the list description. It identifies that the significance of the building derives from three main elements: the traditional fabric of the building; its plan form and the architectural details of building. It is constructed in hammer-dressed limestone with a pantile roof. The main elevation has a symmetrical frontage and a centrally positioned doorway with a sash window on either side and three windows above. The overall character of the building is that of a classically influenced vernacular building.
8. The side extension would project significantly out from the side elevation. I note the appellant states that the proposal would be subservient. It would be single storey and would be set back from the front elevation. Also, it would be constructed in sympathetic reclaimed materials. On this basis it would not appear over dominant on the listed building. However, its position jutting out from the traditional plan form, perpendicular to the dwelling would create an

¹ The wall is linked to the building via a gate.

- unacceptably discordant feature which would be highly visible when viewed from the curtilage of the appeal dwelling.
9. Moreover, whilst the appellant states that the fenestration on the proposed extension would not compete, I consider that the use of hardwood bi-fold doors would create an almost entire glass and timber front elevation. This would create a heavy horizontal emphasis that would appear significantly discordant with the proportions and design of this classically influenced dwelling. In my view the elements of architectural detail would create an adverse contrast for the proposal such that it would not be appropriate or sympathetic to the architectural quality of the listed building.
 10. I note that the proposed extension would not be highly visible from public vantage points. However, this does not overcome my concern regarding the incongruous nature of the scheme on the heritage asset.
 11. I also acknowledge the appellant's argument that she took care not to create a parody and the reference to the Framework in respect of the imposition of architectural styles. However, my concern stems from the effect of the proposed extension on the integrity of the building which is of both special architectural and historic interest.
 12. The harm the proposal would cause to the significance of the heritage asset would be less than substantial on the basis that the listed building would be largely preserved. Paragraph 134 of The Framework states that where a proposal would lead to less than substantial harm to the significance of a heritage asset, this harm should be weighed against the public benefits of the proposal. The Framework states, at paragraph 132, that as heritage assets are irreplaceable, any harm should require clear and convincing justification. Any works that would create a positive effect on a heritage asset would amount to a public benefit. I have attached considerable importance and weight to the desirability of avoiding any such harmful effect.
 13. The appellant has referred to several benefits of the scheme. She states that the scheme would remove an unattractive wc and wall and would relocate an unsightly LPG tank. However, the toilet and attached wall are historic in nature. They are constructed in traditional materials and indicate the history and evolution of the building. They are also attached to the listed building and as such they form part of its context and as such are important. The wall also differentiates the formal frontage of the house and garden and the rear service/parking area, which is behind the wall at a lower level. The loss of these structures would undermine the contextual integrity of the listed building and its setting.
 14. The appellant states that the wall is bowing and is in need of repair. However, I have no evidence before me to confirm that the wall is unstable and that it cannot be repaired and retained.
 15. With regard to the LPG unit, this is positioned at a lower level to the frontage of the host dwelling. Whilst relocation of the unit would be better positioned away from the dwelling in terms of aesthetics, it is only seen from limited views to the side and from the rear due to the change in levels.
 16. I note that the proposal would assist in accommodating an elderly relative who visits regularly. This would be a private benefit. Moreover, the proposed

extension would exist long after the needs of the elderly relative. Although the extra space would provide improvements to the housing stock, the dwelling is large and in good condition. Thus the benefits would have limited public benefit and would be a private benefit to the occupiers of the house. I have had regard to the Public Sector Equality Duty² and I note that there is the elderly relative that shares relevant protected characteristics. Although there would be a small public benefit to the housing stock and that the proposal would benefit a person with a protected characteristic, this would not be sufficient to outweigh the overall harm caused to the heritage asset. Thus I have been mindful of this duty and my decision fairly reflects the group of people involved.

17. Therefore, in respect of the effect of the proposal on the listed building, I conclude that the appeal proposal would have a harmful effect on the special architectural and historic interest of the listed building.

Second issue

18. The appellant states that proposed extension would blend into the surrounding area. The surrounding landscape is a rolling agricultural landscape which is designated as an area of high landscape value. Given its sideways projection, which would be outside the traditional plan form of a building of this age, style and form, I consider that the proposed extension would not be appropriate for its context in terms of the building itself, as aforementioned. Moreover, although it would be constructed in matching walling and roofing materials to the host dwelling, the design of the extension does not reflect the distinctiveness or vernacular traditions of the locality in terms of its form, style and fenestration design. This would make it appear incongruous as it would appear as a standard contemporary designed extension typical of many urban and modern settings. Therefore, it would not blend into the surroundings and would harm the character and appearance of the rural landscape.

Conclusions

19. The proposed development would fail to preserve the Grade II Listed Building including its setting and the feature wall/wc, which I consider to be part of the special architectural or historic interest which it possesses) in respect of both appeals. It therefore fails the statutory test. Also it would adversely affect the character and appearance of the locality, including the locally designated area of landscape character. Consequently it would conflict with the Act, the abovementioned policies and the Framework.
20. For the reasons given above, the appeal should be dismissed.

Mrs A L Fairclough

INSPECTOR

² S149(1) Equality Act 2010

