

**Item Number:** 11  
**Application No:** 18/00363/HOUSE  
**Parish:** Westow Parish Council  
**Appn. Type:** Householder Application  
**Applicant:** Mr Philip Dibbs  
**Proposal:** Demolition of existing boundary wall, fence and access gates including gate posts and erection of replacement stone walling, posts and painted timber pedestrian and vehicular gates (revised details to refusal 17/01437/HOUSE dated 18.01.2018)  
**Location:** North Wing Firby Hall Village Streets Firby Malton North Yorkshire YO60 7LH  
**Registration Date:** 23 April 2018  
**8/13 Wk Expiry Date:** 18 June 2018  
**Overall Expiry Date:** 20 May 2018  
**Case Officer:** Emma Woodland **Ext:** 324

**CONSULTATIONS:**

<b>Parish Council</b>	Concerns
<b>Highways North Yorkshire</b>	No objection
<b>Public Rights Of Way</b>	Recommend informative

**Neighbour responses:**

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**SITE:**

Firby Hall is located on a minor no through road set back from the road down a drive. The property is subdivided into flats and the North Wing is located in the former service wing of the Hall.

**PROPOSAL:**

The application is a revised scheme following a previous refusal to erect a stone wall, fence and access gate to the front of North Wing.

**POLICY:**

Local Plan Strategy - Policy SP12 Heritage  
Local Plan Strategy - Policy SP20 Generic Development Management Issues  
National Planning Policy Framework

**RELEVANT SITE HISTORY:**

17/01266/LBC-Demolition of existing boundary wall, fence and access gates including gate posts and erection of replacement stone walling, posts and painted timber pedestrian and vehicular gates.- Refused

17/01437/HOUSE-Demolition of existing boundary wall, fence and access gates including gate posts and erection of replacement stone walling, posts and painted timber pedestrian and vehicular gates.- Refused

## APPRAISAL:

Firby Hall is a Grade II listed building dating from the late 18th -early 19th century with later additions and alterations. As a Grade II listed building, the Planning (Listed Building and Conservation Areas act) 1990 states that special regard should be given to the preservation of the listed building.

The hall is a substantial house constructed from stone with a Westmorland slate roof. It is now subdivided into flats. It has a substantial 5 bay main range with former service accommodation to the north. The house displays a flat, predominantly unornamented principle facade excepting the strong architectural feature of an early 20th century porch with steps and a shell hood which projects beyond the front of the listed building. This porch contributes to the architecture of the listed building.

The main consideration with this application are:

- Heritage Issues
- Highway Safety Issues

The location of the proposal is at the north wing of Firby Hall. This part of Firby Hall can be characterised as the former service accommodation to the hall which has recently undergone renovation and extension. It is considered that the renovation and extension respects the character of the listed building and maintains the clear legible hierarchy between the formal higher status principle elements and the former service accommodation. At present the north wing is a more modest recessive element of the building when seen as a whole and especially when seen from the front facade.

This proposal follows a refused Householder and Listed Building application in 2017. The works detailed in the former application had already commenced and have since ceased on site. The proposals were previously refused as it was considered that they did not preserve the special interest of the listed building. It was considered that the proposal would present a visual distraction that would compete with the prominence of the projecting shell porch which was identified as a feature which contributed to the special interest of the listed building. The design of the proposal remains that same, the position of the springing point of the wall has been revised. A Heritage Statement undertaken by a qualified heritage professional accompanying this application finds that the proposal will not result in any harm to the listed building for the following reasons:

No historic fabric will be lost or altered

The proposals are fully reversible

The proposed stone wall will attach to the 20th century rendered extension

It will maintain the prominence of the shell porch and steps

The design details harmonise with the recently approved scheme

The design has been amended to re-locate the springing point of the wall further away from the shell porch closer to the north of the site towards the 20th century rendered extension. This moves the wall c. 3.20 metres further away from the principal historic elevation of the listed building. The proposed stone boundary wall is c. 1.30 metres high and projects c. 3.5 metres out from the front façade of the listed building. It has a length of c. 2.5 metres (reduced from c.5.6 metres) and then presents a timber pedestrian gate with a set of timber vehicle gates beyond that finished by a masonry gate pier. The vestigial remains of a small section of mid-20th century stone wall which formed porch steps is annotated on the drawings as 'to be removed'. It is apparent however from my site visit that this has already taken place, which is considered to be acceptable. The proposed plans detail an 'existing' timber gate and fence which was positioned c. 3.5 metres further north of this application. These projected c. 3.8 metres from the face of the listed building. It was also apparent from my site visit that these have been removed which is considered to be acceptable.

It is considered that this application addresses a previous Officer objection regarding the visually distracting element of the wall. The wall is moved c. 3.3 m further from the principal elevation and is now located at a more natural point of the junction between 2 different architectural elements of the building. In addition, placing the stone wall in the foreground of the later rendered elevation will help to

visually knit the rendered elevation and soften its effect. It is considered that the removal of the existing walling of the former porch steps is an enhancement.

Material planning concerns have been expressed by the Parish Council regarding the listed building and that the proposed works will be aesthetically detrimental to its appearance. Policy SP20 requires that new development will not have a material adverse impact on the amenity of present or future occupants, the users or occupants of neighbouring land or the wider community by virtue of its design, use, location and proximity to neighbouring land uses.

The Parish Council also have concerns regarding movement of vehicles in regard to highway safety however North Yorkshire County Highways have not objected to the application subject to their being no obstruction to the Public Right of Way. The proposal therefore is considered to comply with Policy SP20. Other matters raised concern property law which is not a consideration for the Local Planning Authority.

It is considered that the submitted Heritage Statement draws a conclusion that is also supported by Officers. It is considered that this proposal overcomes previous Officer concern regarding the visual distraction which would result from the scheme. The position of the wall further away from the principal façade of the listed building now located at a natural junction between 2 elements of the building is considered to mitigate previous concerns. In addition, the removal of the former porch steps walling is considered to be an enhancement. The use of stone in the foreground of the rendered section is considered to visually soften this change of materials and help knit in the rendered section. The proposal therefore is considered to preserve the special interest of the listed building. The application has been carefully considered by Officers and is considered to comply with Policy SP12 and SP20 and the NPPF.

**RECOMMENDATION:                      Approval**

- 1            The development hereby permitted shall be begun on or before .

Reason: To ensure compliance with Section 51 of the Planning and Compulsory Purchase Act 2004

- 2            The development hereby permitted shall be carried out in accordance with the following approved plan(s): 1193\_AR50\_02 Rev A.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 3            Prior to the commencement of the development hereby permitted, the developer shall construct on site for the written approval of the Local Planning Authority, a one metre square free standing panel of the external walling to be used in the construction of building. The panel so constructed shall be retained only until the development has been completed

Reason: To preserve the listed building

**INFORMATIVE(S)**

- 1            No works are to be undertaken which will create an obstruction, either permanent or temporary, to the Public Right of Way adjacent to the proposed development.

Applicants are advised to contact the County Council's Access and Public Rights of Way Manager at County Hall, Northallerton on 0845 8727374 to obtain up-to-date information regarding the line of the route of the way. The applicant should discuss with the Highway Authority any proposals for altering the route.

