



Appeal Decision

Site visit made on 18 December 2018

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7th January 2019

Appeal Ref: APP/Y2736/W/18/3212053

Mulberry House, Back Lane South, Middleton, Pickering, North Yorkshire YO18 8NU

- 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 Frank Bailey against the decision of Ryedale District Council.
 - The application Ref 17/01453/FUL, dated 27 November 2017, was refused by notice dated 24 April 2018.
 - The development proposed is described as a 'change of use and conversion of existing garages to a two bedroom property including parking & garage'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council has stated that the proposal was not correctly advertised as affecting the setting of a listed building. This has been rectified during the course of the appeal and, hence, there is no possible prejudice to interested parties.
3. The Council's first reason for refusal concerns the effect on the character and appearance of the building. As the site lies in a conservation area, I have dealt with the issues that arise from the effects on the building itself in this context. Matters in relation to the effect on the setting of the listed building are dealt with separately. This approach accords with the statutory protections that are afforded by the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

4. The main issues are (i) whether the proposal would preserve or enhance the character or appearance of the Middleton Conservation Area; and (ii) the effect on the setting of the listed building at Beech View.

Reasons

Conservation Area

5. The appeal site contains a modest sized building which is located between Mulberry House on Back Lane South and Beech View on Main Street. It maintains a simple form and is subservient in its appearance. A single garage is found towards Beech View that was constructed under the terms of a

- previous planning permission¹. Historical information submitted with the appeal indicates there were once agricultural buildings on, or close to, the site.
6. The conservation area is characterised by development which is set out in a linear pattern on Main Street. On the side of Back Lane South, the burgage plots have historically stretched back some distance, and this is an important aspect of the conservation area's significance. Where the plots abut Back Lane South, they largely now contain separate dwellings, like Mulberry House.
 7. The proposed extension to the building would increase the length of its front elevation and cause it to project forward to form a front gable. The existing form of the building would be significantly altered so that it would appear as a considerably more substantial and less simple structure. It would no longer be of a modest scale and subservient in its appearance.
 8. With the increase in the scale of the building, this would diminish from the historical significance of the plot as it would become less open and more constrained with the amount of development that it would contain. In addition, as the form of the dwelling would include a corner wing that is not a prevailing historical characteristic, despite occasional more recent examples in the vicinity of the site, this would further contribute towards that it would be incongruous in the conservation area.
 9. Also due to the difference in scale, the effects would be markedly greater than the scheme that was subject of the previous appeal² on the site, where a notably smaller and more discretely sited dwelling was proposed in respect of its effects on the conservation area. In relation to the other instances of mid plot development and buildings turning at a corner that the appellant has drawn my attention to, I am not persuaded that they have changed the character of the conservation area to the extent that would justify the proposal. I also observed a number of these appeared to result in a less constrained form of development compared to what is before me to consider.
 10. Having regard to the above, I conclude that the proposal would fail to preserve or enhance the character or appearance of the conservation area. It would, therefore, not comply with the statutory duty under Section 72(1) of the Act concerning the desirability of preserving or enhancing the character or appearance of the conservation area.
 11. The proposal would also not comply with Policy SP12 of the Ryedale District Council, Ryedale Plan-Local Plan Strategy (2013) (LPS) which states that designated historic assets, including conservation areas will be conserved and where possible enhanced, and with Policy SP16 of the LPS where it seeks to reinforce local distinctiveness and for design to respect the context of the surroundings.
 12. It would also not accord with the National Planning Policy Framework (Framework) which states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. This is irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance. For the purposes of Policy SP12 of the LPS and the Framework, I find that 'less than substantial harm' would arise.

¹ Council ref: 10/00965/FUL.

² Appeal ref: APP/Y2736/A/09/2110868.

Listed Building

13. Beech View is a grade II listed building that dates from the 18th century and is constructed of coursed rubble limestone and a pantile roof. Its significance, in part, derives from that it fronts onto Main Street with its associated historical burgage plot extending to Back Lane South. Whilst a wall and the garage have been constructed in between, with the historical linkage with Beech View, the site falls within the setting of this listed building.
14. Where the proposed extension would take place it would be on the side nearest to the wall, and so it would take the building closer to Beech View. This would be particularly apparent because the design would result in the proposed side elevation wall facing Beech View projecting further forward than the existing building due to the cross wing arrangement. It would also result in a further infill of development on the plot that would serve to both further enclose the listed building and sever it from the land that relates to its significance.
15. I do not agree that the existing garage and wall have already separated Beech View from this setting, as they are both fairly modest structures. With the overall scale of the proposal, it would have a markedly more domineering effect than the garage. This would also set its detrimental effects apart from the scheme subject of the previous appeal.
16. Both the appellant and the Council have referred to an existing development and its effects on the setting of a different listed building. However, matters in relation to the effect on the setting of such buildings are to be assessed on an individual basis as they are listed separately in respect of their special interest. Accordingly, this situation does not change my views.
17. The proposal would, thus, fail to preserve the setting of the listed building. It would not comply with the statutory duty under Section 66 (1) of the Act concerning the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.
18. The proposal would also not comply with Policy SP12 of the LPS which states that listed buildings will be conserved and where possible enhanced. It would also not accord with the Framework in relation to its national policy concerning heritage assets and significance, and, again, for the purposes of Policy SP12 and the Framework, 'less than substantial harm' would result.

Other Matters

19. Both Policy SP12 of the LPS and the Framework include an exercise of balancing public benefits against the level of harm. In relation to these benefits, the proposal would make a contribution to the housing stock, albeit this would be restricted as one additional unit would result.
20. Matters in relation to the lack of objections from neighbouring properties attract neutral weight. I am sympathetic to the needs of the appellant but this does not outweigh the harm that would arise. Alterations that are reported to have been discussed with the Council do not affect my planning balance and nor would the use of planning conditions as they would not satisfactorily address the concerns. Overall, the public benefits would be on a limited scale and would not outweigh the 'less than substantial harm' to the designated heritage assets.

21. Matters have also been raised in relation to how the Council dealt with the planning application. These are not for me to comment upon, though, beyond the considerations that I have set out above.

Conclusion

22. The proposal would fail to both preserve or enhance the character or appearance of the conservation area, and preserve the setting of the listed building. It would cause 'less than substantial harm' to the significance of these designated heritage assets that would not be outweighed by the public benefits. Accordingly, I conclude that the appeal should be dismissed.

Darren Hendley

INSPECTOR