



Appeal Decision

Hearing held and site visit made on 20 June 2012

by Brendan Lyons BArch MA MRTPI IHBC

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

Decision date: 23 August 2012

Appeal Ref: APP/V2723/A/12/2169686

Quarry Hills Lane, Leyburn, North Yorkshire DL8 5EJ

- 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 Ms Ruth Barnett against the decision of Richmondshire District Council.
 - The application Ref 1/78/642B/FULL, dated 20 September 2011, was refused by notice dated 15 November 2011.
 - The development proposed is the erection of 1No. dwelling on existing vacant land.
-

Decision

1. The appeal is dismissed.

Procedural matters

2. At the Hearing an application for costs was made by the appellant against the Council. That application is the subject of a separate Decision.
3. Since the appeal was submitted, national policy guidance has been updated by the publication of the National Planning Policy Framework ('the Framework') and the cancellation of relevant former Planning Policy Statements. The opportunity was allowed for the main parties to make additional submissions on the implications of these changes. The appeal decision, which is based on the up-to-date policy position, takes account of all written submissions received from the parties, in addition to specific points made at the Hearing.

Main Issues

4. The main issue in the appeal, arising from the Council's reasons for refusal of the planning application, is whether the proposal would preserve or enhance the character or appearance of the conservation area.
5. A further issue raised by a neighbouring resident relates to the effect on living conditions at 7 Quarry Hills Lane.

Reasons

6. The appeal site comprises the side garden of one of a pair of houses that have been converted from the former infirmary block of what was originally the local workhouse. The main workhouse and service buildings, which date from the 1870s, have also been converted to individual dwellings. The group of buildings, together with much of the original curtilage, has been designated as a conservation area. It was agreed at the Hearing that only the western half of

the appeal site, on which the proposed house would stand, lies within the conservation area.

7. Planning permission was granted in 2010¹ for the erection of a detached house on the appeal site, following from an earlier permission granted in 1993. The design of the house, with two main floors and an attic level, was apparently intended to reflect the scale and treatment of the existing pair of houses to the west. Permission is now sought for a house with a smaller footprint but with accommodation on three main floors, designed in a clearly contemporary style. The proposal would be aimed to achieve Level 6 of the Code for Sustainable Homes.

Conservation area

8. The Council has not issued a formal appraisal of the conservation area's character and appearance, but the 'Profile' of the conservation area contained within the Richmondshire Local Plan ('LP') provides a summary of the qualities which led to its designation and of the basis for its future preservation and enhancement. The appellant's Heritage Statement also includes an assessment of the area's character and appearance.
9. There is little dispute that the significance of the conservation area as a 'heritage asset' derives from its historic interest as a purpose-built workhouse complex, which has survived in largely intact form to the present day, so that the original function of the different elements can still be deduced. The complex of buildings is thus of some considerable value to the social history of the town, even if not of outstanding importance at a wider scale. The architectural interest is based on the consistency of design treatment of the group of buildings, reflecting their planned origin and the single short period of their construction. All of the buildings of the tightly drawn conservation area are part of the original group, with the exception of one single-storey block that has been rebuilt as a near replica and a range of two-storey houses, known as The Cottages, which were built in the late 1990s.
10. The Council accepts that the principle of development of the site with a detached house has been established by the existing permission. Its concern is that the design of the proposed house, which it accepts is of good quality in its own terms, would be out of keeping with the distinctive character of this conservation area and would be harmful to its heritage significance.
11. The distinctive layout of the group of buildings forms a key part of their interest. The two houses that originally comprised the infirmary stand on the principal axis of the main block, but set behind the service wing. Their well proportioned symmetrical front introduces a second layer of formality to the layout, while their isolated position gives an indication of their original function.
12. Therefore, the addition of a new house immediately next to the pair would have a fundamental effect on the balance and clarity of the layout that would be detrimental to the significance of the whole group. The risk to the integrity of the group would be greater if the house were to seek to follow the alignment of the original pair and to mimic their design, as in the case of the already approved scheme. But given that the principle of development on this site has been accepted, a house that clearly followed its own design logic, while paying due regard to its sensitive setting, would be greatly preferable.

¹ Permission Ref 1/78/642A/FULL

13. The appeal proposal would go some way towards achieving that objective. The style of the building would have a robust consistency. Its basic form as a relatively thin slab with a steep monopitch roof would echo the tall, angular proportions of the adjoining houses. The application of three-dimensional build-outs to the basic form would also respond to the external expression of chimney stacks and subsidiary wings on the original buildings. The vertical emphasis of panels and glazing on the front façade would relate to nearby window proportions.
14. However, in other respects the proposal's response to its context would be considerably less successful. By its location close to and aligned with the front of the adjoining pair, the proposal would suggest a terrace form. But despite the care to carry through eaves and overall heights and the existing string course level, the scale of the proposal, with three low storeys, would not match the generous scale of the existing storey heights.
15. As outlined above, the terrace idea would in itself challenge the primacy of the original layout. But there would also be particular conflict in the proposed design owing to the assertive form of the projecting fin on the front elevation and the dominance of the projecting roof canopy. This is well illustrated on the appellant's photomontage view from the south-west.
16. The effect of the prominent canopy would also be clear in views on the approach to the site along Quarry Hills Lane and from the public footpath to the Maythorne estate. From here, the existing roofscape contributes to a very harmonious expression of the group of buildings, marked by a consistency of form and materials. The canopy would form a highly incongruous element that would be damaging to the appearance of the group.
17. The proposed design is said not to be driven by sustainability considerations, but it appears that the scale of the canopy would derive from the need to shade a double-height array of glazing over the western part of the front façade. The need for the canopy on the eastern half of the façade, where it would be pierced by a large opening, is less clear. The design solution chosen would emphasise the impact of this element.
18. Sustainability concerns also influence the design of the roof, whose pitch would be set by optimum performance of its solar panels. As a result, and as shown in the projected view from Quarry Hills Lane, there would be an unfortunate variation in pitch from the adjoining existing roof.
19. This view would also reveal the diversity of roof materials, which are not clearly illustrated on the submissions. Although the roof surface would form a flush plane, the presence of alternating strips of zinc and two different forms of solar panels would be likely to produce a striped effect that would add to the incongruous impact of the canopy.
20. Similar concerns raised about the diversity of materials on the rest of the building could potentially be addressed by careful specification. With the correct tonal value, the proposed lime render could form a successful counterpoint to the predominant stone that would emphasise the building's different character. The proposed finish of the timber-clad elements would be vital to ensure their successful integration into the whole, bearing in mind the reservation already outlined about the scale and prominence of the projecting fin. The choice of correctly matching stone for the lower floors would be more critical than the

precise detail of the jointing, although the benefit of the proposed recessed 'dry' appearance would not be obvious.

21. Despite these points, for the reasons set out above the proposal, taken as a whole, would not preserve or enhance the character or appearance of the conservation area. It would therefore be contrary to Policy ENV9 of the Yorkshire and Humber Regional Spatial Strategy, which, echoing the statutory tests, seeks to protect the quality of the historic environment. LP Policy 23, which requires small scale housing development within settlements to be in keeping with local character and the immediate surroundings, is now of reduced weight relative to the guidance of the Framework in support of good design.
22. As the proposal would go some way towards a successful solution, the harm to the significance of the heritage asset would be less than substantial. However, other than the modest potential addition to the national stock of energy-efficient dwellings, the proposal does not present public benefits that could outweigh the harm caused. The proposal would therefore be contrary to the guidance of paragraphs 132 and 134 of the Framework.

Living conditions

23. The house would face the small garden of 7 Quarry Hills Lane, which has been formed from one of the single-storey service wings of the former workhouse. The garden is not totally private, as its hit-and-miss fence allows glimpses through from the road, but as passing traffic is mainly restricted to a few neighbours this has a very limited impact on the use of the space. The garden is also addressed by the front of No.9, which stands at a higher level, but the most direct effect of overlooking is mitigated by planting in No.9's front garden.
24. The sense of overlooking of the garden from the proposed house would be significantly more adverse than the existing. This would be due to the position of main living spaces on the first floor of the proposed house, and particularly to the potential use of the first floor balconies and of the additional outdoor terrace at second floor level. There would be direct views from these spaces which would be only partly screened by the projecting fin to the front of the proposed house. Whilst there would be no significant loss of privacy within No.7, the effect on users of its garden would be harmful to living conditions, contrary to the Core Planning Principles of the Framework and to LP Policy 1.
25. The garden would also be overlooked were the already approved house on the appeal site to be built, which is a realistic fallback position. However, the loss of privacy and potentially overbearing effect would be greater under the current scheme as the earlier house would have its living spaces at ground floor level and would not have balconies. The same would be true were the existing planting at No.9 to be removed.
26. The effect on privacy of 5 Quarry Hills Lane would be considerably less, as its gardens and rear-facing windows would be further away. There would be no overlooking of the rear of houses on Maythorne as all windows on that side would be at high level. The proposal could interrupt some currently open views from the rear of those houses but would not be unduly dominant or cause an unacceptably adverse effect on their outlook.

Conclusion

27. There is no dispute that the building would be sustainably located, or any question over its commendable achievement of the high performance standards set by Code Level 6. However, the Framework's positive support for sustainable development is tempered by the need to conserve heritage assets. Design which would harm a heritage asset cannot be seen as truly sustainable. The Framework advises² that harm to a designated asset, such as a conservation area, can warrant rejection of proposals that are incompatible with the existing townscape. Similarly, proposals that would harm neighbours' living conditions, even to a relatively modest degree, would not be fully sustainable. The harm caused could not be successfully mitigated by the imposition of conditions.
28. Therefore, for the reasons set out above, having weighed all factors in the balance and taken account of all representations made both in writing and at the Hearing, I conclude that the appeal must be dismissed.

Brendan Lyons

INSPECTOR

² Paragraph 65

APPEARANCES

FOR THE APPELLANT:

Clive Brook	Principal Planning Consultant Dacres Commercial
Adam Clark	Director Halliday Clark Architects
Ruth Barnett	Appellant

FOR THE LOCAL PLANNING AUTHORITY:

Caroline Walton	Area Development Management Officer
Ann Smith	Conservation Officer

INTERESTED PERSONS:

Mark Whyman	Richmond and District Civic Society
Sheila Simms	Neighbouring resident
David Langham	Neighbouring resident

DOCUMENTS

- 1 Richmondshire Local Plan 1999-2006: Design Guidance Note 12- Design Principles for Conservation Areas
- 2 Richmondshire District Council: Climate Change Action Plan 2009-2014
- 3 Copies of decision notice, planning agreement, committee reports, correspondence and plans in relation to previous proposals for the site
- 4 Architect's Proof of Evidence Appendix 25: Examples of modern buildings in conservation areas
- 5 Council's Delegated Application Report dated 15/11/2011
- 6 Notice posted on lamp standard near site- submitted by Sheila Simms
- 7 Appellant's costs application

If you require an alternative accessible version of this document (for instance in audio, Braille or large print) please contact our Customer

Services Department:

Telephone: 0870 333 1181

Fax: 01793 414926

Textphone: 0800 015 0516

E-mail: customers@english-heritage.org.uk