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# Appeal Decision

Site visit made on 7 January 2014

**by Brendan Lyons BArch MA MRTPI IHBC**

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

**Decision date: 22 January 2014**

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**Appeal Ref: APP/V2723/D/13/2209609**

**Membland, Middleham, North Yorkshire DL8 4QL**

- 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 Gwyneth Gill against the decision of Richmondshire District Council.
  - The application Ref 13/00394/FULL, dated 20 June 2013, was refused by notice dated 8 October 2013.
  - The development proposed is the installation of solar pv panels to the roof on the south elevation.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. The appeal property is a two-storey mid-terrace house of traditional stone construction with a blue slate roof. The terrace backs onto the ruined Middleham Castle, which is a Grade I listed building and scheduled monument. The town centre surrounding the Castle has been designated as a conservation area.
3. Within the conservation area, an Article 4 Direction requires planning permission to be obtained for certain alterations to dwelling houses. In this case it is proposed to fix six solar PV panels to the rear slope of the lower part of the roof of the house and eight panels to the adjoining more steeply pitched slope.
4. The main issue in the appeal is the effect of the proposed panels on the setting of the Castle and on the character and appearance of the conservation area.

## Reasons

5. In considering a development proposal affecting a listed building, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a conservation area.

6. National policy guidance set out in the National Planning Policy Framework ('NPPF') confirms the great weight in favour of the conservation of 'heritage assets' such as scheduled monuments, listed buildings and conservation areas. The particular significance of any element of the historic environment likely to be affected by a development proposal should be identified and assessed. Any harm should require clear and convincing justification.
7. In this case, the Castle's Grade I listing and scheduled status confirm that it is a heritage asset of a very high level of significance. Its special interest lies in its survival as a major piece of medieval construction, whose scale dominates its physical context but also provides vivid evidence of the importance of the place in centuries gone by.
8. The Council's *Conservation Area Appraisal and Management Plan* records that the Castle may originally have encompassed a wider site but that, over time, the buildings of the town have encroached closer to the main structure. The intimate relationship of the adjacent houses with the Castle is an important feature of the historic evolution of the town and contributes greatly to the character of the conservation area. The appearance of the area is distinguished by the visual harmony of the limited palette of natural materials of which both the houses and Castle are constructed. The terrace of houses of which 'Membrand' forms part makes a positive contribution to the setting of the Castle.
9. This is particularly apparent in the important views from the open fields and footpaths to the south and south-east of the Castle. The varied roofscape of the houses complements the dramatic profile of the Castle. Although the roofs are covered in several different materials, they display a consistency of texture and tonal value. The stepped roof of the appeal property forms an integral part of the group and is clearly visible from public vantage points in immediate conjunction with the Castle, even if the effect in some of the submitted photographs has been slightly enhanced by enlargement.
10. The proposed panels would form a highly uniform, mechanically finished element on each of the two roof slopes that would be at odds with the texture and finish of the natural slate material. Even if a relatively non-reflective finish and black edges were specified, as stated by the submitted Design and Access Statement, the two sets of panels would be obvious in the overall scene as highly regular, dark, uniform patches.
11. Because of the orientation of the houses, the panels would not be prominent in views from the front of the Castle. However, they would be clearly visible at close range between buildings from the path at the rear of the houses, which I would expect to be used by visitors as well as residents, even if not formally designated as a public right of way. The array of panels would add an incongruous element to the relationship between the houses and the Castle.
12. For these reasons, I endorse the concern raised by the Council and English Heritage that the installation would form a discordant addition to the roofscape that would be harmful to the setting of the monument and to the character and appearance of the conservation area.
13. Dependent on the precise specification of the panels, the harm caused should be less than substantial. In such circumstances, the NPPF advises that the harm should be weighed against the public benefits of the proposal. In this

instance the very minor contribution to national targets in favour of sustainable energy generation would produce an extremely modest public benefit. Because of the significance of the heritage assets affected, this benefit would be heavily outweighed by the harm caused.

14. The appellant's reasons for wanting to avail of a renewable energy source are very understandable, but it is not clear that dismissal of the appeal would rule out achievement of this objective. I note English Heritage's reference to the potential use of the shallower sloped roof to the rear extension, and other options might also exist. However, as no formal proposals have been made, these have not been appraised as part of the consideration of the appeal.
15. For the reasons given above, I conclude that the appeal must be dismissed.

*Brendan Lyons*

INSPECTOR

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