
Appeal Decision

Site visit made on 13 November 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 27th December 2017

Appeal Ref: APP/E2001/W/17/3181423

The Old Rectory, 8 East End, Walkington, Beverley, East Riding of Yorkshire HU17 8RY

- 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 Adrian Turner against the decision of East Riding of Yorkshire Council.
 - The application Ref 16/04212/PLF, dated 15 December 2016, was refused by notice dated 9 June 2017.
 - The development proposed is erection of new dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the building on the setting and significance of The Old Rectory, a Grade II listed building and on All Hallows Church, a Grade II* listed building and, linked to that, whether the proposal would preserve or enhance the character and appearance of the Walkington Conservation Area.

Reasons

3. The proposal is for the erection of a two-storey house within the rear garden of The Old Rectory. The house would be of a contemporary design with a flat roof and external materials of timber boarding and brick with substantial areas of glazing. The building, which would be sited on an area of the garden currently occupied by a tennis court, would be set into the ground and excess material used to provide grass berms for screening. A new vehicular access would be provided from the front of the existing dwelling, extending along the line of an existing gravelled path adjacent to the site boundary. A detached garage is also proposed.
4. Under section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I am obliged to have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest. The National Planning Policy Framework (the Framework) advises that 'significance derives not only from the asset's physical presence but also from its setting'. In terms of the Conservation Area, section 72 (1) of the Act requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the area.

5. The Old Rectory dates from the C17th with earlier origins. As set out in the list description, the property originally had a U-shaped plan form which was later infilled. Unusually the garden elevation, which I understand was remodelled in 1891, is grander and more formal than the entrance elevation, and is clearly visible from within the garden. The garden, which is walled and thereby well defined, is substantial in size and reflects the high social status of the house, as well as providing a setting for the building which is of significant architectural quality. Other than the tennis court, which retains the open character of the garden, and small domestic outbuildings and structures, the garden is undeveloped. As such the garden makes a positive contribution to, and assists in revealing, the significance of the heritage asset.
6. I note the comments of Historic England that the rear of The Old Rectory was designed to be seen from All Hallows Church which lies in an elevated position to the south. The two buildings were functionally linked until around the 1960's. As a result of planting within the garden, views between the two buildings are currently restricted but nevertheless there are glimpsed views. Notwithstanding this, experience in terms of setting has a broader definition than just views. The openness and lack of development within the area between the two buildings reflects their historic relationship. The fact that the space is now surrounded by C20th development adds to its significance. The space also makes a positive contribution to the character and appearance of the conservation area for the same reasons.
7. There is no dispute that the proposed dwelling would be a well-designed contemporary development. I also acknowledge the efforts made in attempting to minimise its impact, including amendments made following advice during the application process. Nevertheless, the development would be a substantial structure some 20m in length and the top storey would be clearly visible above ground level. The introduction of the building of such substantial scale and massing would reduce the openness of the garden and alter its character and appearance. Moreover, the subdivision of the garden in the manner proposed, and the introduction of a separate, unrelated unit of accommodation, would diminish its importance as a visual and social setting to the dwelling. Added to that, the proposal would erode the space between the two listed buildings and as such would diminish the appreciation of their former functional link as well as altering the character and appearance of this part of the conservation area.
8. I recognise that the proposed dwelling would be located to the eastern side of the garden, rather than sited centrally, to allow the retention of an, albeit reduced, visual corridor between the two listed buildings. Nevertheless the proposal would be a distracting intrusion into the space. I recognise that planting is proposed to screen the development further, to the extent that, as set out by the appellant, the development would be hidden from view from both the house and church. However, planting would take time to become established and, in any event, is not permanent. Moreover, screening harmful development in this manner does not make it justifiable.
9. The proposal, for the reasons set out, would therefore have a negative impact on the setting and significance of The Old Rectory and on the significance of the space between the two listed structures, contrary to the clear expectations of the Act as set out above to which I have had special regard. Again, for the same reasons, there would be conflict with policy ENV3 of the East Riding Local

Plan Strategy Document, which seeks to ensure that the significance, views, setting, character, appearance and context of heritage assets should be conserved.

10. Whilst the harm identified to the setting of the listed buildings may be considered less than substantial in the context of paragraphs 133 and 134 of the Framework, this test, which is echoed in policy ENV3 C of the Local Plan, requires that such harm be considered against any public benefit the development might offer.
11. The supply of one dwelling to boost housing supply may, in the broadest sense, be considered a public benefit. However, such a contribution is inevitably very modest and therefore carries limited weight in support of the scheme. I acknowledge that the appellant would be prepared to remove some boundary vegetation to improve the visual connection between the two buildings and this also carries limited weight in support of the proposal.
12. There is no evidence before me to support the comment that the proposal will result in new investment in The Old Rectory and although I acknowledge the appellant's wish to occupy the proposed dwelling as a retirement home this is not a public benefit that can carry any weight. Given that the tennis court has a neutral effect on the appearance and significance of the garden, there is no public benefit in its removal.
13. Paragraph 132 of the Framework, states that great weight should be afforded to the conservation of heritage assets, which includes their setting. The more important the asset, the greater the weight should be. Consequently any limited public benefits are significantly and demonstrably outweighed by the harm caused to the setting of the listed buildings and the character and appearance of the conservation area. Moreover, the overarching statutory duty for me to consider the desirability of preserving the setting of the listed buildings, a matter of considerable importance and weight, leads me to conclude, in the circumstances of this case, that the appeal should not succeed on these grounds.
14. For these reasons and taking into account all other matters raised, including a lack of objection from the Council's conservation officer, the appeal is dismissed.

S Ashworth

INSPECTOR