



# The Planning Inspectorate

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Mrs J Cavanagh  
North York Moors National Park  
Authority  
Development Control Support  
Officer  
The Old Vicarage  
Bondgate  
Helmsley  
York  
YO62 5BP

Your Ref: NYM/2007/0493/LB  
Our Ref: APP/W9500/E/08/2063971/WF  
Date: 25 April 2008

Dear Mrs Cavanagh

**Planning (Listed Buildings and Conservation Areas) Act 1990  
Appeal by Mr R & Mrs C Hare  
Site at Woodleigh Lodge, 21a Main Road, Aislaby, Whitby, YO21 1SW**

I enclose a copy of our Inspector's decision on the above appeal.

Leaflets explaining the right of appeal to the High Court against the decision, our complaints procedures and how the documents can be inspected are on our website - [www.planning-inspectorate.gov.uk/pins/agency\\_info/complaints/complaints\\_dealing.htm](http://www.planning-inspectorate.gov.uk/pins/agency_info/complaints/complaints_dealing.htm) - and are also enclosed if you have chosen to communicate by post. If you would prefer hard copies of these leaflets, please contact our Customer Services team on 0117 3726372.

If you have any queries relating to the decision please send them to:

Quality Assurance Unit  
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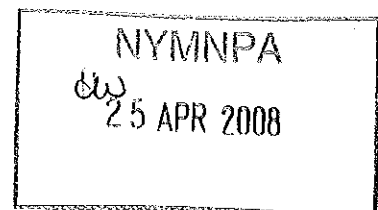
Phone No. 0117 372 8252

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Yours sincerely

Catrin Schwenk



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*You can now use the Internet to submit documents, to see information and to check the progress of this case through the Planning Portal. The address of our search page is -*

*<http://www.pcs.planningportal.gov.uk/pcsportal/casesearch.asp>*

*You can access this case by putting the above reference number into the 'Case Ref' field of the 'Search' page and clicking on the search button*

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# Appeal Decision

Site visit made on 1 April 2008

by **Wenda Fabian** BA Dip Arch RIBA IHBC

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

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Decision date:  
25 April 2008

**Appeal Ref: APP/W9500/E/08/2063971**

**Woodleigh Lodge, 21A Main Road, Aislaby, Whitby, North Yorkshire YO21 1SW**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
- The appeal is made by Mr R & Mrs C Hare against the decision of North York Moors National Park.
- The application Ref NYM/2007/0493/LB, dated 4 June 2007, was refused by notice dated 24 July 2007.
- The works proposed are a small single storey extension to lounge to provide increase in living space of 12m<sup>2</sup> area.

## Decision

1. I dismiss the appeal.

## Main issue

2. The main issue is the effect of the proposal on the special architectural and historic interest of the curtilage listed building, the setting of the adjacent listed buildings and on the character and appearance of the Aislaby Conservation Area.

## Reasons

3. The appeal dwelling is a conversion of a former simple single storey stone outbuilding. It was built as a lean-to against the high, stone, eastward return wall that partly encloses the north roadside end of the curtilage at Woodleigh House and Woodleigh Cottage. These attached dwellings are listed together, Grade II, with the additional two storey outbuildings, which are attached at the north end of the cottage. Although the appeal building is not specifically mentioned in the listing, it is attached to the return wall, which is, and as such it forms part of the overall curtilage of the listed buildings irrespective of the subdivision for different ownerships. It is therefore subject to similar protection as the listed buildings.
4. Saved policies BE3 and BE4 of the *North York Moors Local Plan, 2003*, reflect the duty imposed on decision makers by Sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, which requires them to pay special regard to the special architectural or historic interest of listed buildings and their settings and to the desirability of preserving or enhancing the character or appearance of the conservation area.

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5. As part of the residential conversion, the outbuilding has been substantially extended (by almost its full area again) to form an L-shaped lean-to. The proposal is for a small addition at the end of the new wing. It would match the existing in materials and detail, including stone walls, clay pantile roof and stone verge coping and would appear as a clearly subservient addition to the whole building, with similar courtyard eaves height but a lower pitched roof and lower enclosing wall. Whilst the proposed addition would appear modest from outside the appeal site, nevertheless it would tip the balance between the original outbuilding and the amount of new addition - so that the former character of the outbuilding would become overwhelmed by the cumulative mass of new building and this would harm the historic interest and special character of the group of buildings as a whole, contrary to national and local policy.
6. In addition it would substantially obstruct the existing already restricted view of this side of Woodleigh House from Main Road, which is an intrinsic part of the character of the conservation area. I appreciate that this view is already substantially blocked during the summer months by the existing tree canopy, but at the time of my visit the trees were not in leaf and the house was clearly visible across the adjacent garden from the roadside and this view is currently available for a significant part of the year. Its loss as a result of the proposal, therefore, adds a little weight to my conclusion.
7. I conclude that the proposal would harm the special architectural and historic interest of this curtilage listed building and, consequently, harm the setting of the listed buildings and the character and appearance of the Aislaby Conservation Area, contrary to national and local policy.
8. The appellants need a living space separate from the current open plan living/dining kitchen space to facilitate caring for their grandchildren and to provide for Mr Hare who is in ill health. I note the local support for the proposal. I understand that space within the dwelling is limited, but personal circumstances seldom outweigh the duty to protect the historic environment, which will remain long after these needs have changed.
9. For the reasons given above I conclude that the appeal should fail.

*Wenda Fabian*

Inspector

