



# Appeal Decision

Site visit made on 20 April 2009

by **P J Asquith** MA(Hons) MA MRTPI

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

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Decision date:  
11 May 2009

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**Appeal Ref: APP/W9500/A/09/2094471**

**Lowdales Cottage, Hackness, Scarborough, YO13 0JU**

- 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 A and S Walker against the decision of the North York Moors National Park Authority.
- The application Ref. NYM/2007/0785/FL, dated 14 September 2007 but not registered by the Authority until 15 October 2008, was refused by notice dated 21 October 2008.
- The development proposed is described as internal alterations to existing cottage, construction of a conservatory and two additional outbuildings to form a garage and a stable.

## Procedural Matter

1. Lowdales Cottage is a stone and pantiled Grade II listed building originally dating from the late 17<sup>th</sup> century, having had 19<sup>th</sup> century alterations and more modern additions. Whilst the application form describes the proposals as above, it is apparent that during the Authority's consideration amendments were made so that what was determined was a proposal as described in its Decision Notice. This was; 'the construction of a conservatory together with construction of a domestic garage/workshop together with construction of stables and use of land for the keeping of horses'. It is on this latter basis that I have determined this appeal.
2. Whilst the proposed garage/workshop and stable block are freestanding, the proposed conservatory would be an addition to the cottage. The appeal relates solely to the refusal of planning permission, there being no reference to listed building consent in respect of the conservatory element.

## Main Issue

3. I consider the main issue in this case to be the impact of the proposals on the appearance, character and setting of the existing listed building.

## Decision

4. Insofar as it relates to the construction of a domestic garage/workshop I dismiss the appeal.
5. Insofar as it relates to the construction of a conservatory, stables and use of land for the keeping of horses I allow the appeal and grant planning permission for the construction of a conservatory together with construction of stables and use of land for the keeping of horses at Lowdales Cottage, Hackness, Scarborough, YO13 0JU in accordance with the terms of the application, Ref.

NYM/2007/0785/FL, dated 14 September 2007 but not registered by the Authority until 15 October 2008, and the plans submitted with it, subject to the following conditions:

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) No work shall commence on the construction of the development hereby permitted until details of the tiles, including samples if so required by the local planning authority, have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 3) No work shall commence on the excavation work for the development hereby permitted until a one metre freestanding panel of stonework showing the type of stone and stonework to be used in the construction of the stable block has been constructed on site and approved in writing by the local planning authority. All new stonework shall match that of the approved panel both in terms of the type of stone used and the coursing, jointing and mortar mix and finish exhibited in the panel unless otherwise agreed in writing by the local planning authority. The stone panel so constructed shall be retained until the development hereby permitted has been completed.
- 4) All new window frames, glazing bars, external doors and door frames shall be of timber construction.
- 5) The guttering to the stable block hereby permitted shall be directly fixed to the stonework by means of gutter spikes and no fascia boarding shall be used. All rainwater goods shall be black-painted cast iron unless otherwise agreed in writing by the local planning authority.
- 6) There shall be no commercial use of the stable block hereby permitted and it shall be used only for the horses kept for hobby/domestic purposes ancillary to the property known as Lowdales Cottage and for no other purposes unless a separate grant of planning permission has first been obtained from the local planning authority.

### Reasons

6. The cottage stands within a good sized curtilage in an attractive remote valley location, set apart from Lowdales Farm to the south. The conservatory (described on the plans as a garden room) would be of timber construction under a pantiled roof and would be sited between the cottage and Lowdales Beck<sup>1</sup>. The Authority has not sought to query the design, size or siting of the conservatory. I too consider it would be an harmonious and subservient addition that would not detrimentally impact on the character or appearance of Lowdales Cottage and would not conflict with relevant development plan policies to which reference has been made. Accordingly, in respect of this element of the proposals, I allow the appeal.
7. The proposed stable block, comprising two loose boxes and a tack room/store, would be of stone and pantile construction with watertabling and kneelers to

<sup>1</sup> From the evidence it is apparent that a subsequent separate application for the conservatory has been submitted to the Authority.

reflect the traditional detailing of the cottage. It would be set apart from the house by over 22m and would be partially let into the sloping bank which rises to a hedged boundary, beyond which is a public bridleway from where it would be seen. In my judgement the stable's size, detailed design and materials are acceptable and its positioning in relation to the cottage would not harmfully detract from the latter's setting. I consider this modest building in the position shown would be a more fitting development than the Authority's suggestion of a building of more lightweight material such as timber.

8. As such, the stable's provision would not conflict with Core Policy G of the North York Moors Local Development Framework Core Strategy and Development Policies, adopted in November 2008. This seeks to ensure, amongst other matters, that the historic assets and cultural heritage of the North York Moors will be conserved and enhanced, with particular protection given to those elements which contribute to the character and setting of listed buildings. Nor would it conflict with Development Policy 5, which seeks to prevent development that would have an unacceptable impact on the setting of listed buildings, or Development Policy 19 which similarly seeks to ensure that development within the curtilage of dwellings does not detract from the setting of the original dwelling within the landscape. Accordingly, I shall allow the appeal insofar as it relates to this aspect of the proposals, together with the use of land for the keeping of horses, to which the Authority has raised no specific objections.
9. The garage/workshop block would be separated from Lowdales Cottage by about 2.5m and would run parallel to one leg of what is the cottage's essentially 'L' shaped plan. The building would be over 13m in length and as it would incorporate loft storage would be of similar height to the two-storey house and have an eaves height of some 3.2m. Its depth would also be similar to the principal element of the cottage. I do not consider its positioning to be at odds with the cottage, it being apparent that it would partially occupy the location of previously demolished, albeit smaller, outbuildings. Nor would its general design features and materials, which would be reflective of the existing cottage, be inappropriate.
10. The cottage itself is seen not only through the gateway entrance onto the bridleway track to the east but also in views along the track to the north-east. It is clear that through its alterations and extensions it now presents itself as a reasonably substantial property. Nevertheless, the garage/workshop block would itself be readily visible. Being so close to the cottage, by reason particularly of its length and height, it would appear as an overly bulky adjunct, rather than as a more modest subservient structure that would not visually compete with the presence of the cottage. As a result, it would serve to materially detract from the attractive character and setting of the listed cottage and would not accord with Core Policy G or Development Policies 5 and 19 of the Core Strategy and Development Policies. I therefore find this element of the proposals to be unacceptable and the appeal fails insofar as it relates to this.
11. In respect of the elements I am allowing, I shall impose conditions along the lines of those suggested by the Authority regarding external materials and the erection of a sample panel of stonework, to ensure a satisfactory appearance. I shall also impose a condition restricting the stable use for horses for

hobby/domestic purposes to ensure that the use is low-key and not commercial, given the location of the site.

*P J Asquith*

INSPECTOR

