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## Appeal Decisions

Site visit made on 1 September 2020

**by F Cullen BA(Hons) MSc DipTP MRTPI IHBC**

**an Inspector appointed by the Secretary of State**

**Decision date: 5 October 2020**

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### **Appeal A Ref: APP/H0738/W/20/3253008**

**Staypleton House, Parsons Walk, Norton, Stockton-on-Tees Borough  
TS20 1TZ**

- 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 Stuart Dick, SD Print/Design against the decision of Stockton-on-Tees Borough Council.
  - The application Ref:20/0219/REV, dated 28 January 2020, was refused by notice dated 19 May 2020.
  - The development proposed is described as 'demolition of existing linked garage/store; erection of a two-storey side/rear extension; new flue & installation of three conservation rooflights to rear (east) roof slope; with alterations to door & windows to sides' (resubmission of 19/1411/FUL & 19/1412/LBC).'
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### **Appeal B Ref: APP/H0738/Y/20/3253009**

**Staypleton House, Parsons Walk, Norton, Stockton-on-Tees Borough  
TS20 1TZ**

- 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 Stuart Dick, SD Print/Design against the decision of Stockton-on-Tees Borough Council.
  - The application Ref:20/0220/LBC, dated 28 January 2020, was refused by notice dated 19 May 2020.
  - The works proposed are described as 'demolition of existing linked garage/store; erection of a two-storey side/rear extension; new flue & installation of three conservation rooflights to rear (east) roof slope; with alterations to door & windows to sides' (resubmission of 19/1411/FUL & 19/1412/LBC).'
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## **Decisions**

1. **Appeal A** – the appeal is dismissed.
2. **Appeal B** – the appeal is dismissed.

## **Applications for Costs**

3. Applications for costs were made by Mr Stuart Dick, SD Print/Design against Stockton-on-Tees Borough Council. These applications are the subject of separate Decisions.

## **Procedural Matters**

4. These decisions address both planning permission and listed building consent appeals for the same site and for the same scheme. The remit of both regimes

is different, and the main issue identified below relates to both Appeal A and Appeal B. In order to reduce repetition and for the avoidance of doubt, I have dealt with both appeals together within a single decision letter.

5. The proposed site plan submitted as part of the application includes a new brick garden wall (1875mm in height) with a wrought iron locking gate (1980mm in height). However, these are not included on the proposed elevation drawings, within the description of proposed works as stated in the application form or in the decision notices. Nonetheless, and for the avoidance of doubt, I have determined the appeals on the basis of the plans submitted with the applications and have had regard to the proposed wall and gate.

### **Main Issue**

6. The main issue is whether the proposal would preserve the Grade II listed building known as Staypleton House or any features of special architectural or historic interest which it possesses.

### **Reasons**

#### *Special interest and significance*

7. The appeal site occupies a relatively secluded position within the historic village of Norton. It contains the appeal property, Staypleton House, and an adjacent modern, detached, single-storey garage, both set within a sizeable garden. It is bounded by a combination of brick walls and close-boarded timber fences and accessed via a long private driveway. It is bordered by St Mary's Church and graveyard; Red House School and grounds; and Ridley Court, a residential complex. Staypleton House is sited within the Norton Conservation Area (the CA), but its curtilage is located outside of the CA boundary.
8. Staypleton House dates from the early 19<sup>th</sup> century and is Grade II listed (formerly listed as Glebe Cottage, previously listed as 'Gardeners House' with the Vicarage under The Green). It is a modest, detached, two-storey, domestic property, constructed of brick with painted stone cills and lintels. It has a pantile roof with two brick chimney stacks. The building has been altered in the past, including the incorporation of a lean-to garage at the rear and a more recent extension at the side. Nevertheless, the building's historic form remains legible.
9. The National Planning Policy Framework (the Framework) requires that the significance of a heritage asset should be established to a level of detail proportionate to the asset's importance. Whilst a heritage assessment/statement was submitted with the applications, there is limited evidence before me of any rigorous attempt to investigate the building's significance. On this basis, the scheme fails to fully comply with the requirements of Paragraph 189 of the Framework. Moreover, given the limited extent of the research, the lack of information found relating to the building does not attest to a lack of significance.
10. Although the listed building has changed over time, from the evidence available to me, I consider that its special interest and significance is largely derived from its historic interest and architectural interest as a modest dwelling of early-19th century date. The building's age, vernacular materials, polite Georgian aesthetic and surviving plan-form all make important contributions in these regards. In addition, the large curtilage, which provides a spatial buffer

to the front and side of the building and allows its principal elevation to be viewed and appreciated from an adjacent public route, makes a valuable contribution to the building's significance. These aspects of the listed building and its curtilage also contribute positively to the character and appearance of the CA and its setting.

*The appeal proposal*

11. The proposal comprises the demolition of the lean-to garage at the rear and the construction of a two-storey side and rear extension with associated external and internal alterations, along with the construction of a garden wall with locking gate positioned between the new extension and the existing detached garage.

*The effect of the proposal on the significance of the listed building*

12. The proposed extension would possess a degree of subservience to the host building in that it would be set back from the front elevation and set down from the ridgeline of the roof. It would also, at first sight, appear to 'mirror' the extension on the other side of the building which was granted listed building consent in 2000<sup>1</sup>.
13. However, the proposed extension would be of a scale and massing that would subsume this side of the listed building. It would also result in the irreversible loss of a substantial amount of historic fabric, including key features of architectural and historic interest such as the gable wall, chimney breast and a chimney stack; as well as the further erosion of the building's surviving internal plan-form.
14. Moreover, small, but perceptible, differences in the form and detailing of the proposed extension, such as the incorporation of a splayed lintel above the first floor window, different first floor window opening detail, different eaves height and different rear roof pitch, would mean that it would not successfully balance out the previous extension on the other side. Rather, it would result in an unsatisfactory addition which even the use of carefully chosen materials to match the host building would not disguise.
15. The inclusion of an additional doorway in the northern gable would adversely alter the hierarchy of entrances into and routes through the building, weakening the status of the principal elevation and main entrance. Furthermore, the additional elements of rooflights, projecting flues, extract fans and a soil vent pipe would all intensify the clutter on the building and undermine its fundamental historic simplicity.
16. The existing boundary treatment and mature trees around the appeal site provide some screening. Even so, the proposed extension would be readily visible and unduly conspicuous when viewed from the public route at the southern side of the site and also partly visible from the adjacent graveyard. Furthermore, listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not close public views of the building can be gained.

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<sup>1</sup> Application Ref: 00/0468/P Listed Building Consent for the erection of two storey extension to side and erection of 1.75m high boundary wall.

17. Overall and when considered in context with the previous extension, the proposal would destructively transform the listed building's modest proportions and restrained aesthetic to create a much larger, more imposing building than was historically the case. This would severely undermine the building's historic and architectural integrity and fail to sustain and enhance its identified significance.
18. I have had regard to the decision making context as outlined by the appellant, including the statutory duties stated within the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), guidance published by Historic England and case law<sup>2</sup>. Whilst I recognise that the building has been changed incrementally over time, this does not justify the acceptance of inappropriate and unacceptable development and works. I have considered the appeal proposal on its own planning merits, having regard to the specific context of the building and site and in accordance with the Act and both local and national planning policy in place at the time of my decisions.
19. I also accept that a similar proposal was granted listed building consent in 2008<sup>3</sup>. Nevertheless, whilst the relevant statutory duties contained within the Act have not changed, there has been a significant and material change in the national and local policy context within which the proposal is assessed and determined. Namely, the publication of the Framework in 2012 (latest revision in 2019) and the adoption of the Stockton-on-Tees Borough Council Local Plan 2019 (the SLP). Given this material change in circumstances, the previous grant of listed building consent by the Council in 2008 is not, of itself, a reason to allow the appeals and limits the weight I can attach to the previously consented scheme.
20. In view of the above, I find that the proposal would fail to preserve the Grade II listed building known as Staypleton House or any features of special architectural or historic interest which it possesses, which would be contrary to the requirements of Section 16(2) and 66(1) of the Act. As such, the works would harm the special interest and significance of the designated heritage asset.

#### *Public benefits and conclusions*

21. Paragraph 193 of the Framework advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that this should have clear and convincing justification.
22. With reference to Paragraphs 195 and 196 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the relatively limited extent and localised nature of the proposal, I find the harm to the listed building to be 'less than substantial' in this instance. However, this level of harm should not be equated with a less than substantial planning objection and is of considerable importance and weight. Under such circumstances, Paragraph 196 advises that this harm

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<sup>2</sup> Case Law: Barnwell Manor Wind Energy Ltd v East Northants DC and Others (2014) EWCA Civ 137; and South Lakeland District Council v Secretary of State for the Environment and another (1992) 1 ALL ER 573.

<sup>3</sup> Application Ref: 08/0681/LBC Listed Building Consent for two storey extension to side and rear and the erection of a garage (demolition of existing garage) and new 1.8m high wall.

- should be weighed against the public benefits of the proposal, which includes securing the optimum viable use of the building.
23. The appellant stresses that the proposal would result in the beneficial removal of the unattractive dilapidated garage which currently detracts from the listed building. Furthermore, that the proposed extension would enable the dwelling to be adaptable and suitable for modern day occupation and, in conjunction with the proposed wall and gate, would improve security within the appeal site. The appellant contends that, overall, the proposal would constitute sustainable development which would secure the optimum viable use of the building and the effective and efficient use of previously developed land.
  24. I accept that the removal of the garage would sustain and enhance the significance of the listed building. Nevertheless, the garage's replacement with an oversized extension would override any public benefit gained from its loss. In addition, no evidence has been provided which verifies that the optimum viable use of the building as a single dwelling would be jeopardised or would cease if the proposal was not implemented, or that the same public benefits could not be achieved by a more sympathetic scheme. It would appear that any benefits accrued from the further enlargement of the dwelling and increased security within the site would principally be of private benefit to the appellant.
  25. I recognise that the proposal could be said to make more effective and efficient use of previously developed land. However, the Framework is clear that the effective use of land should also safeguard and improve the environment, which I find the proposal before me would not do in respect of the historic environment. Furthermore, given the detail of the proposal any public benefits delivered in this regard would be limited.
  26. Consequently, in attributing considerable importance and weight to the identified harm to the significance of the listed building, I find that this would not be outweighed by the public benefits arising from the proposal.
  27. Given the above and in the absence of sufficient public benefits that outweigh the harm found, I conclude that the proposal would fail to preserve the Grade II listed building known as Staypleton House or any features of special architectural or historic interest which it possesses. Hence, it would be contrary to the requirements of Sections 16(2) and 66(1) of the Act and Paragraphs 192, 193 and 194 of the Framework.
  28. Although the Council makes no reference in its reason for refusal in the applications to the effect of the works on the setting of the listed building or the character and appearance of the CA, I am mindful that, as statutory considerations, I am required to have regard to these matters when determining the appeals.
  29. The spacious and verdant curtilage and setting of Staypleton House positively contributes to its special interest and significance as a designated heritage asset. From the very limited information provided in relation to the proposed wall and gate, I find that the position, line and height of the wall combined with the position, height and overly ornate design of the gate would detract from the listed building and disrupt the spaciousness of its setting. In turn, this would diminish the contribution that the building's setting makes to its significance as a designated heritage asset.

30. With regard to the CA, its special interest and significance is largely derived from a combination of the surviving historic street pattern; the landmark building of the Church and its graveyard; the central green; and the architectural coherence of its historic buildings. These positively contribute to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset. Having regard to the building's prominence when viewed from the adjacent footpath and graveyard, as well as the detail of the proposal, I consider that the harm to the listed building which I have set out above, would also lessen the high quality of the CA.
31. Whilst the magnitude of harm in both respects would be modest and undoubtedly less than substantial, it would mean that the proposal would fail to preserve the setting of the listed building; and, in the context of the CA as a whole, would fail to preserve or enhance its identified character and appearance. I consider that the public benefits of the scheme, outlined above, would not outweigh that harm. In this respect, the proposal would fail to satisfy the requirements of Sections 16(2), 66(1) and 72(1) of the Act as well as Paragraphs 192, 193 and 194 of the Framework and compounds the harm which I have identified in respect of the listed building.
32. The proposal would also be contrary to Policies SD5 (3d) and HE2 (2 and 3) of the SLP which together and amongst other things, seek to conserve and enhance the historic environment and Stockton's heritage assets. As a result, the proposal would not be in accordance with the development plan.

### **Other Matters**

33. I am aware that the Council raised no concerns in relation to the impact of the proposal on the living conditions of neighbours. Furthermore, that, subject to the imposition of conditions, no objections were received in relation to environmental health, highways, landscape or archaeology. I also note that no comments on the application were received from the Public Rights of way officer, Norton Village Association or any neighbours. Nevertheless, these matters are neutral considerations in the planning balance and do not outweigh or alter my conclusion on the main issue.

### **Conclusion – Both Appeals**

34. Accordingly, for the reasons given above, I conclude that both Appeal A and Appeal B should be dismissed.

*F Cullen*

INSPECTOR