



## Appeal Decision

Site Visit made on 8 December 2020

**by John Dowsett MA, DipURP, DipUD, MRTPI**

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

**Decision date: 22<sup>nd</sup> April 2021**

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**Appeal Ref: APP/W0734/W/20/3259145**

**Land to the South of 1 Marwood Wynd, Marwood Wynd, Stainton, Middlesbrough TS8 9AD**

- 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 Norman Woodall against the decision of Middlesbrough Council.
  - The application Ref 19/0710/FUL, dated 2 December 2019, was refused by notice dated 11 May 2020.
  - The development proposed is described as: Construction of a detached dwelling with a detached double garage.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. The address of the appeal site is given on the planning application form as 'Stainton House, Marwood Wynd, Stainton, Middlesbrough'. On the decision notice issued by the Council the address used is 'Land to the South of 1 Marwood Wynd, Marwood Wynd, Middlesbrough'. The appellant has also adopted this address on the appeal form. From the submitted drawings and from what I observed when I visited the site, this latter more accurately defines the location of the appeal site. I have, therefore, used this address for the purposes of the appeal.
3. As the proposal is in a conservation area and relates to the setting of two listed buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

### Main Issue

4. The main issue in this appeal is the effect of the proposal on the character and appearance of the local area bearing in mind the special attention that should be paid to the desirability of preserving the settings of the nearby Grade II\* listed building, St Peter and St Pauls Church [List Entry: 1137540], and the Grade II Listed Building, Stainton House [List Entry: 1137500], as well as the extent to which it would preserve or enhance the character or appearance of the Stainton and Thornton Conservation Area.

### Reasons

5. The nearby Church of St Peter and St Paul was listed in 1966 and dates from the thirteenth century with a fifteenth century tower and north transept. The other parts of the building were rebuilt or altered during the nineteenth

- century. Its significance, in so far as it is relevant to this appeal, is derived from its ecclesiastical purpose, age, architectural details, and its evidential and communal value as a prominently located church, historically serving the villages of Stainton and Thornton.
6. Stainton House was listed in 1988. It was built around 1800 and subsequently extended with a slightly lower service wing in the mid to late nineteenth century. A two storey house, with walls finished in roughcast render under a pitched, slate, roof it was originally built as the vicarage for the neighbouring church but is now subdivided into two dwellings. Its significance is derived from its historical relationship with the neighbouring church and the evidence it provides of the architectural style and building techniques of the time.
  7. From the evidence, in particular the historic map extracts, it is clear that a substantial area of land, of which the appeal site forms part, was historically associated with the church and vicarage and included the churchyard, an open area around Stainton House and also incorporated a small lodge and a range of outbuildings. I observed when I visited the site that this wider area was still legible within the built form of the village. Although now subdivided into a number of separate residential curtilages, it nevertheless contributes to the setting of these buildings.
  8. There is also evidence of the hierarchy of buildings that were previously associated with the church, the vicarage, lodge, and range of service buildings. Although the latter is a now recent terrace of houses which replaced the former outbuildings, the structure contains echoes of an ancillary building in the form of small windows, arched openings, and the reproduction of a blocked up cart arch. As a result, the previous hierarchy of buildings is also still discernible within the setting which provides evidence of their historic use and function.
  9. Although the functional link between the church and Stainton House was broken some years ago there is, nonetheless, still a visual relationship between the two buildings and how they are experienced. Stainton House borders the churchyard and the buildings are seen in sequential views from Hemlington Road. Both listed buildings are visible from the appeal site. I also saw that from several points within the churchyard, the appeal site is visible with Stainton House in the middle ground of the view. For the reasons given, and in so far as it relates to this appeal, this setting directly contributes to the special interest of the listed buildings.
  10. The Stainton and Thornton Conservation Area encompasses an area that includes the historic core of both villages and a small area of countryside, forming a shallow valley through which Stainton Beck flows, separating the villages. Its significance is derived from the origins of the villages as early twelfth century planned settlements which, whilst developing over time, reflect their original form in their layout. The Stainton and Thornton Conservation Area Character Appraisal and Management Plan 2008 (CACAMP) notes that the Church of St. Peter and St. Paul forms part of the historic core of Stainton Village where many the village's original buildings can be found. It also notes that the Church occupies the most dominant position within the village and that the surrounding grounds are important to the character of the village. The CACAMP additionally highlights the importance of the relationship of the church with Stainton House.

11. A key contribution to the character and appearance of the conservation area is the sense of openness between the two settlements that comprise it and the church and associated buildings as a focal point at the junction of the two principal roads. This sense of openness is additionally emphasised by the open area between Hemlington Road and Stainton House and the openness of the churchyard, contrasting with the denser built form of the buildings on the north side of the road. In so far as it is relevant to this appeal the significance of the conservation area is primarily associated with the historic built form of the village and the importance of the church and vicarage in its development over time.
12. The appeal site forms part of the wider site that formerly was associated with Stainton House and is situated to the south of the former lodge and to the east of Stainton House. To the south of the appeal site and east of Stainton House are two recently built, two storey, dwellings.
13. The proposed new dwelling, although it would be lower in height than Stainton House would have prominent ground floor bay windows and dormer windows within the roof plane, together with an elaborate door case around the principal entrance. These features are atypical of the domestic properties within the conservation area which are generally simple in form with largely unbroken roof planes. I accept that there are isolated examples of these features within the conservation area, however, these are exceptions rather than characteristic of the local architectural forms.
14. Although there are two recently built houses to the south of the appeal site, these are set at a lower level and behind Stainton House when viewed from the road. As such they draw the eye away from the principal building on the site less than a building on the appeal site, in front of the main house, would do. The current arrangement of buildings maintains the historic hierarchy of buildings and the ability to comprehend their relationship and functions. The introduction of a further dwelling on the appeal site would reduce the legibility of the wider site and the understanding of the historic extent and functions of the land associated with the church and its attendant buildings. It would also reduce the current openness of the area between Stainton House and the main road that contributes to both the setting of the listed buildings and the character and appearance of the conservation area.
15. Together, the design of the proposed dwelling and its siting would be harmful to the setting of the listed buildings and the character and appearance of the conservation area.
16. Although appellant contends that much of the significance of setting of the listed buildings has been lost as a result of previous new developments, I nonetheless observed during my site visit that it is still possible to discern the historic extent of the land associated with the church and the hierarchy of buildings within it. The development of the two recent detached houses may have had a slight negative effect on the setting of the nearby listed buildings, however, I have no information regarding the circumstances that led to these being accepted. This notwithstanding, their presence does not justify permitting a new dwelling that would further erode and more harmfully effect the setting of the listed buildings.
17. The appeal submission included a series of wireframe and photomontages intended to illustrate the visual effect of the proposed dwelling. I accept that

the appeal site and the proposed new dwelling would generally only be seen from the road frontage in the vicinity of the appeal site, although as noted above, it would also be seen from parts of the churchyard and in context with both the church and Stainton House. Listed buildings are safeguarded for their inherent architectural and historic interest irrespective of whether or not public views of the building can be gained.

18. Nevertheless, the wider site has a relatively long frontage to Hemlington Road and from what I saw when I visited the site, I consider that the appellant's visual assessment under-estimates the screening effect of the boundary wall and the tree planting. Moreover, the proposed landscaping can be removed or dies of natural causes at any time. As a result, the proposed new dwelling would appear as a prominent and incongruous addition within the open area that is an important component of both the setting of the listed buildings and the character and appearance of the conservation area. Consequently, this would have a minor harmful effect on the setting of the listed buildings and on the conservation area taken as a whole.
19. Paragraph 193 of the National Planning Policy Framework 2019 (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have a clear and convincing justification. Given that the proposal is for a single dwelling and considering the separation distances, I find the harm to be less than substantial in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
20. The appellant has not identified any public benefits that would be derived from the appeal proposal. This notwithstanding, the Framework seeks to increase the supply of housing and the appeal proposal would add a further dwelling to the housing stock in the area. In addition, there would be a small economic benefit arising from investment in the construction of the new dwelling and subsequent spending in the local economy by the future occupiers which would help support local shops and services. However, it is not argued that the Council cannot demonstrate a deliverable five year housing land supply or that it is underdelivering against its housing targets. As the proposed development is for only one house, the economic benefits that would arise would be small. As such, little weight can be given to the potential public benefits of the proposal.
21. Paragraph 194(b) of the Framework identifies Grade II\* listed buildings as being of the highest significance. Consequently, the harm that I have identified attracts very considerable and significant weight against the proposal. Added to this is also the great weight that must be given to the harm that would be caused to the setting of the Grade II listed Stainton House and to the character and appearance of the Stainton and Thornton Conservation Area. As the public benefits of the proposal attract little weight, it is clear that these would not outweigh the harm that would be caused.
22. Given the above and in the absence of any significant public benefit, I conclude that, on balance, the proposal would fail to preserve the settings of the nearby

Grade II\* listed building, St Peter and St Pauls Church, and the Grade II Listed Building, Stainton House, and would cause harm to the character and appearance of the Stainton and Thornton Conservation Area. This would fail to satisfy the requirements of the Act, paragraph 192 of the Framework and conflict with policies CS4 and CS5 of the Middlesbrough Local Development Framework Core Strategy 2008 which seek, among other things, to ensure that the area's historic heritage and townscape character is protected, conservation areas are preserved or enhanced, and the safeguarding of buildings identified as being of special historic or architectural interest. As a result, the proposal would not be in accordance with the development plan.

### **Other Matters**

23. I have noted that the Council have not raised any objections to the proposal on any other grounds and I have also had regard to the representations made by local residents and the Parish Council in respect of both the original planning application and the appeal. None of these points, however, lead me to a different overall conclusion.

### **Conclusion**

24. For the above reasons, I conclude that the appeal should be dismissed

*John Dowsett*

INSPECTOR