

Appeal Decision

Site visit made on 13 September 2016

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 5 October 2016

Appeal Ref: APP/N4720/W/16/3152459

Spa Surgery, 205 High Street, Boston Spa, Wetherby LS23 6PY

- 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 Makan Investments Limited against the decision of Leeds City Council.
 - The application Ref 15/06717/FU, dated 6 November 2015, was refused by notice dated 22 December 2015.
 - The development proposed is erection of single storey pharmacy and alterations to car park to form 2 additional car parking spaces.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Reference has been made by an interested party to the Boston Spa Neighbourhood Plan (NP). However the NP has not yet been made and I am advised by the Council that it is still at consultation stage. As such it does not carry full weight.

Main Issues

3. The main issues are the effect of the proposal on:
 - the character and appearance of the host building;
 - the character and appearance of the Conservation Area having particular regard to the design and scale of the extension and the effect of the proposal on trees.

Reasons

Host Building

4. The existing surgery building is a two storey detached building with a single storey rear extension and small side porch set back from the front elevation. It is constructed from coursed stone and the front elevation in particular has a simple and symmetrical appearance incorporating a central gable feature and a number of relatively small and narrow sash windows. Though it does not appear to be identified as a positive building within the Council's Conservation Area Appraisal and Management Plan (CAA), it is nevertheless an attractive building.
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5. The proposed side extension would extend off the side porch. The front elevation of the extension would be broadly in line with the front elevation of the surgery building. The extension would have a front gable feature shopfront which would be largely glazed and an asymmetric roofline when viewed from the front and rear. This would be at odds with the simple and symmetrical appearance of the host building and with the simple style and design of the existing windows. In addition the side elevation of the extension would have a projecting gable feature and is wider than the main two storey side gable of the surgery building. The height and position of the proposed extension also means that it would partially obscure the first floor windows in the existing two storey side gable of the surgery building. Consequently, notwithstanding the use of matching materials, some matching detailing and its subservient height, I consider that the scale and design of the proposed extension is out of keeping with and would fail to respect the character and appearance of the host building. The existing rear extension is off a less prominent and formal elevation and is of a simpler design and is not therefore directly comparable to the proposal.
6. Taking the above matters into consideration, the proposal would have an adverse effect on the character and appearance of the host building. It is therefore contrary to policies P10 and P11 of the Leeds City Council Core Strategy (CS), policies GP5, BD6 and N19 of the Leeds Unitary Development Plan (UDP), to relevant paragraphs of the National Planning Policy Framework (the Framework) and to guidance contained within the CAA. These policies and guidance seek, amongst other things, to ensure that new development provides good design that is appropriate to its location, scale and function and conserves and enhances the historic environment.

Character and appearance of the Conservation Area

7. The appeal site is located in the Boston Spa Conservation Area (CA). The Council's CAA notes that Boston Spa is characterised by linear spaces and the predominance of Classically-inspired Georgian architectural forms. The majority of houses along the High Street display Classical proportions, with regular fenestration patterns and symmetrical facades. The use of architectural detailing is restrained. The CAA states that large mature trees should be retained wherever possible in order to preserve the character of the CA.
8. As previously stated, the appeal site comprises a two storey detached building of simple appearance. It is located in a prominent position on the main road through the village adjacent to a side road meaning that both the front elevation and side elevation of the building adjacent to the side road are visible from wider public views. The site contains a car park to the rear of the building and a landscaped area to the side within which there are a number of mature trees of varying species. Due to their height and position, the trees are visible from various vantage points along High Street and from the side road and serve to screen and soften the appearance of the surgery building and surrounding buildings including the large modern building on the opposite side of the side road. The existing trees on the appeal site, together with other groups of trees nearby, make a positive contribution to the character and appearance of the CA.

9. Though I have had regard to the appeal heritage statement and to the supporting information submitted with the application, for the reasons outlined above, I do not consider that the scale and design of the proposed extension is sympathetic to the character and appearance of the host building or reflective of existing built forms within the CA. Given the prominent position of the site within the CA and the consequent prominence of the proposed extension, I consider that the proposal would also be harmful and would fail to preserve the character and appearance of the CA. Though there are examples of gable features within the immediate locality of the site and within the wider CA, these appear to be of a simpler form than the gable features proposed. Additionally I note the comments made in relation to the large modern building on the opposite side of the side road. Whilst this building is of a different height, scale and design to many nearby buildings including the surgery building, it is nevertheless simple in design and form and is also set further back from High Street than the proposal. In any event, I must determine the proposal before me on its own merits.
10. A Tree Survey and Arboricultural Impact Assessment (TSAIA) was submitted with the appeal and updates a Tree Survey Report which was submitted with the application. The TSAIA states that two Category A trees, one Category B tree, two Category C trees and approximately nine metres of hedgerow would need to be removed to facilitate the proposal. The Category A & B trees are in prominent positions towards the front of the landscaped area located to the side of the surgery building. The TSAIA acknowledges that the removal of the trees would result in the loss of public visual amenity in the locality but considers that the loss needs to be balanced against the benefits of the proposal and could be mitigated by new off-site tree planting. However, whilst the appellant initially suggested that this matter could be dealt with by a S106 legal agreement, no such agreement has been submitted with the appeal.
11. As stated, the existing trees that are proposed to be removed as part of the proposal make a significant and positive contribution to the character and appearance of the CA. Notwithstanding the comments made within the TSAIA regarding the need for future work to the trees and the impact that this would have on their value, their loss would be harmful and their removal would fail to preserve the character and appearance of the CA. The loss would not be offset by the retention of other trees on site as these are in the main Category B and C trees and are located in less prominent positions to the rear of the site.
12. I consider that the harm to the significance of the CA would be less than substantial. As I have found harm to the significance of the CA, having regard to paragraph 134 of the Framework, this harm needs to be weighed against the public benefits of the proposal.
13. The proposal would provide a new pharmacy facility adjacent to the surgery and I acknowledge that this would be more convenient for patients and doctors at the surgery than the current arrangements. I also note the support for the new pharmacy from the doctors at the surgery and the fact that a high proportion of patients at the surgery are frail and elderly and have mobility and other health problems. However I understand that the existing pharmacy is only a short walk away and has parking facilities available nearby. I am also aware that many pharmacies now offer delivery and repeat prescription services, though I do not know whether this is the case with the existing pharmacy in the village.

14. I also note the appellant's view that the removal of the trees would allow for better views of the listed Methodist Church to the rear of the site. However the set back position of the church relative to High Street together with the height and position of the proposed extension means that views of the church would remain limited following the proposal.
15. Taking the above matters into consideration, I do not consider that there are sufficient public benefits associated with the proposal to outweigh the harm identified and I conclude that the proposal would fail to preserve the character and appearance of the CA. It is therefore contrary to policies P11 and P12 of the CS, policies GP5 and LD1 of the UDP and guidance contained within the CAA and British Standard BS5837. These policies and guidance seek to, amongst other things, conserve and enhance the historic environment and to protect existing vegetation including trees.

Other Matters

16. Notwithstanding my finding of harm to the character and appearance of the CA, I am satisfied that the proposal would not harm the setting of any nearby listed buildings. This is having regard to the relative position of the appeal site and the listed buildings, existing landscaping and to the scale, position and nature of the proposal.

Conclusion

17. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR