
Appeal Decision

Site visit made on 7 February 2017

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 28 February 2017

Appeal Ref: APP/E2734/W/16/3159878

15A Kirkgate, Knaresborough, North Yorkshire

- 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 Trustees of Mrs K E Whincup against the decision of Harrogate Borough Council.
 - The application Ref 6.100.124.1.FUL, dated 20 June 2016, was refused by notice dated 15 August 2016.
 - The development proposed is described as '*proposed works to rebuild existing derelict dwelling. Including rebuilding and sympathetic extensions to bring back into habitable use and accommodation*'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues for the appeal are:
 - Whether the proposed development would preserve or enhance the character or appearance of the Knaresborough Conservation Area; and
 - The effect of the proposed development on the living conditions of neighbouring occupiers with particular regard to any overbearing effects, enclosing effects and/or loss of light.

Reasons

Character or appearance of the Knaresborough Conservation Area

3. The appeal site is situated within the extensive Knaresborough Conservation Area which I saw at my site visit has a mixed character, with town centre, commercial and residential uses. 15A Kirkgate is a relatively modest building attached to 17 Kirkgate. In terms of scale, No 15A has a two storey appearance onto Kirkgate, presenting a simple elevation with a single window facing the street. The appeal building includes a single storey rear element, which appears subordinate to the host building. Opposite across the access road to Bowling Green Yard, is 15 Kirkgate, a Grade II listed building.
 4. The appeal proposal seeks to bring the building into residential use. A second storey element would be added to the rear of the building which would significantly increase its bulk. As the rear two storey element would have similar ridge and eaves heights to the existing two storey part of the building, the proposed addition would not appear subordinate. The two storey rear
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extension, due to its scale, would appear as a disproportionate addition to the original building and would give rise to a loss in the hierarchy between the front and rear parts of the building. Although I note that the development would use complimentary materials, I consider that the appeal proposal would give rise to harm to the Conservation Area.

5. Having found harm to the Conservation Area, I give it considerable importance and weight. Paragraph 131 of the National Planning Policy Framework (the Framework) states that in determining planning applications, local planning authorities should take account of the desirability of sustaining and enhancing the significance of heritage assets. This is in line with Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 in respect of development affecting conservation areas, which states that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the area. Paragraph 132 of the Framework sets out that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the conservation of the asset.
6. Paragraph 126 of the Framework recognises that historic assets are an irreplaceable resource that local authorities should conserve in a manner appropriate to their significance. The harm found in this case would be less than substantial to the extensive Conservation Area as a whole and paragraph 134 of the Framework sets out that any harm, which is less than substantial, must be weighed against the public benefit of the proposal. Whilst the harm to an individual site may be less than substantial, the incremental and cumulative harm that could arise from similar proposals could adversely affect the Conservation Area and the heritage asset as a whole. As heritage assets are irreplaceable, any harm requires clear and convincing justification. I will return to this.
7. The appeal proposal would not preserve or enhance the character and appearance of the Knaresborough Conservation Area and conflicts with Harrogate District Local Development Framework Core Strategy 2009 (CS) Policies SG4 and EQ2, which amongst other things, are concerned with design and impact of development and the protection of the built environment. It also conflicts with Harrogate District Local Plan 2001 (Local Plan) saved Policy HD3 which includes that development which has an adverse effect on the character or appearance of a conservation area will not be permitted and with saved Local Plan Policy HD20 which sets out design principles.

Living conditions

8. 17 Kirkgate is a property used as a bed and breakfast business. I visited No 17 during my site visit and saw that the two storey rear part of the proposed development would be built along the common boundary between the properties and affect a small side window in a bedroom within No 17. The increase in height of the rear part of the appeal building would give rise a loss of light to a roof light in No 17. Although the roof light is already compromised in terms of light due to its position in the roof, the proposed development would appreciably reduce further light to the room, causing harm to the living conditions of the occupiers of that bedroom.
9. An interested party has queried the accuracy of the submitted plans in respect of the position of the rear wall of No 17 to the rear wall of the proposed two

storey element of the appeal scheme. Following my site visit, I consider that the proposed two storey element would project beyond the upper floor of No 17. However, given that the first floor rear bedroom window of No 17 is set in from the common boundary and the limited length of the two storey part of the proposed development projecting beyond the rear of No 17, the appeal scheme would not give rise to unacceptable harm to the living conditions of the occupiers of that bedroom.

10. The single storey rear element of the appeal property adjoins 1 Bowling Green Yard and is situated alongside the access road into the yard. I saw at my site visit that No 1 has ground and first floor windows set in from the boundary with the appeal property and that the outlook from these windows is principally along Bowling Green Yard towards Kirkgate. Whilst the outlook of the ground floor window of No 1 is already somewhat restricted, that of the upstairs window is more open across the roof of the appeal building. The provision of the proposed two storey element in relative close proximity to the first floor window of No 1 would therefore give rise to a significant increase in a sense of enclosure and reduction in outlook for the occupiers of No 1.
11. To conclude on this matter, I find that the appeal proposal would rise to unacceptable harm to the living conditions of the occupiers of neighbouring properties. The proposal therefore conflicts with saved Local Plan Policy HD20 which includes that new development should respect the amenity of nearby residents and occupiers of adjacent buildings. It also conflicts with Core Strategy Policy SG4 which is concerned with the design and impact of development and includes that amenity is protected. In addition, the appeal proposal conflicts with the guidance set out in the Council's House Extensions and Garages Design Guide.

Other matters

12. In accordance with the duty as set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 I have considered the effects of the proposed development upon listed buildings and find that it would not give rise to harm to the significance of the nearby listed building. I have also taken into account that the proposed dwelling would have off street parking.

Conclusions

13. The appeal scheme would bring into use as a dwelling a building which it is stated has been vacant for a number of years and is falling into disrepair. The provision of a dwelling and bringing the vacant building into use are modest public benefits which weigh in favour of the scheme. However, I find that the public benefits are significantly and demonstrably outweighed by the harm the development would cause to the character and appearance of the Conservation Area, the conservation of which I give great weight. In addition the proposed development would give rise to significant harm to the living conditions of neighbouring occupiers.
14. For the reasons given above and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR