
Appeal Decision

Site visit made on 28 February 2017

by Philip Lewis BA (Hons) MA MRTPI

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

Decision date: 17 March 2017

Appeal Ref: APP/E2734/D/17/3167676
15 Duchy Grove, Harrogate HG2 0ND

- 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 Mrs H Nicholson against the decision of Harrogate Borough Council.
 - The application Ref 6.79.13331.FUL, dated 1 September 2016, was refused by notice dated 9 November 2016.
 - The development proposed is first floor extension to create extended bathroom.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue for the appeal is whether the proposed development would preserve or enhance the character or appearance of the Harrogate Conservation Area.

Reasons

3. 15 Duchy Grove is a two storey mid terraced dwelling, constructed from stone with a slate roof. It is situated within part of the extensive Harrogate Conservation Area, which has a predominantly residential character. Duchy Grove is one of several terraced streets laid out with roads to both the front and rear of the dwellings. I saw at my site visit that No 15, and the other properties in the terrace have uniformity in their appearance, derived through design and construction materials. Additionally, the buildings have two storey rear projections which span part of the width of each property.
 4. The proposed extension would consist of a timber clad, lightweight, contemporary designed, suspended first floor extension, which would be added to the rear projection. It would extend out about 1 metre. The purpose of the extension is to provide sufficient space to enlarge the existing small bathroom, which it is stated is impractical for a family.
 5. The proposed extension would appear prominent in the street scene, when viewed from Duchy Avenue. The first floor projection would be formed of timber cladding, with windows of a horizontal emphasis and would, despite the modest size, appear as an incongruous addition to the host dwelling and terrace. Although the proposed extension would be of a lightweight contemporary design, it would be out of keeping with the predominantly stone buildings, introducing an uncharacteristic new feature. Therefore, I find that
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the proposed development would give rise to harm to the host building and the character and appearance of the Conservation Area.

6. 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.
7. 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. In this case the proposal relates to a private dwelling and no public benefits have been identified.
8. Given the innovative design proposed, I have considered the proposal against the policies of the Framework regarding innovation in design in paragraphs 58, 60 and 63. I find however that the proposal would not raise the standard of design more generally in the area and therefore it should not be given great weight as an innovative design as set out in paragraph 63. The development plan for the area predates the Framework which in paragraph 215, indicates that due weight should be given to the relevant policies in existing plans according to their degree of consistency with the Framework. Core Strategy Policy SG4 and saved Local Plan Policies H15 and HD20 are silent regarding innovation in design and so should not be considered up to date in this particular regard. However, I give them significant weight given their otherwise broad conformity with the design policies of the Framework.
9. The appeal proposal would not preserve or enhance the character and appearance of the Harrogate Conservation Area and conflicts with Harrogate District Local Development Framework Core Strategy 2009 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. Additionally, the appeal scheme conflicts with saved Policy H15 which is concerned with extensions to dwellings including that there is no detriment to the character or appearance of the dwelling or surrounding area and with saved Local Plan Policy HD20 which sets out design principles. The proposal also conflicts with the guidance set out in

the Harrogate Conservation Character Appraisal 2010 and the Council's House Extensions and Garages Design Guide Supplementary Planning Document 2005.

Other matters

10. During my site visit I saw the extensions which have been developed at 7, 9, 13, 17 and 19 Duchy Grove referred to me by the appellant. However, these developments are of different designs, being of traditional forms and are not directly comparable to that before me. I also have had regard to the comments regarding contemporary developments in Harrogate and during my site visit I saw the timber clad property on Cold Bath Place. I noted that the development on Cold Bath Place is of a different design and scale to the scheme before me and is not directly comparable.
11. I have had regard to the appellants comment that there are no options for achieving a bathroom in the house. I have also had regard to the windows being designed to create a break between the timber wall and roof and that the larch cladding would be sourced from the UK and would turn silver grey in time. During my site visit I noted that a two storey rear extension would require the loss of a tree in the garden. However these matters do not lead me to a different conclusion.

Balance and conclusion

12. I find that the appeal proposal conflicts with the development plan policies cited by the Council. Paragraph 14 of the Framework includes that where relevant policies are out of date, permission should be granted unless specific policies indicate development should be resisted. In this case, I also find that the proposal conflicts with the Framework in that the harm to the Conservation Area, a designated heritage asset would not be outweighed by any public benefits. Therefore the appeal proposal does not constitute sustainable development for which there is a presumption.
13. For the reasons given above and having considered all matters raised, I conclude that the appeal should be dismissed.

Philip Lewis

INSPECTOR