
Appeal Decision

Site visit made on 21 November 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 1st December 2017

Appeal Ref: APP/E2734/D/17/3181917

Green Gables, Mill Lane, Burton Leonard, nr. Ripon, North Yorkshire HG3 3SH

- 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 D. Topping against the decision of Harrogate Borough Council.
 - The application Ref 6.68.187.FUL, dated 18 January 2017, was refused by notice dated 13 July 2017.
 - The development proposed is the 'erection of single storey, two storey, first floor and dormer extensions, replacement roof, porch and chimney, alterations to fenestration, demolition of garage, formation of additional parking and felling of trees in the Burton Leonard Conservation Area.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Amended plans were submitted during the planning application, which the Council considered in coming to their decision. I have also considered the appeal on this basis. As a consequence, the description of development in the banner heading above is taken from the Council's decision notice and the submitted planning appeal form, for the purposes of accuracy.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Burton Leonard Conservation Area.

Reasons

4. The appeal property comprises a detached house, which contains a front 2 storey front element. It also contains a garage to its side, which projects forward of the house, and a rear garden room. The sides of the property are set in from the boundaries and this is pronounced on the side with the garage because of its single storey form. The property is set back from Mill Lane, with the intervening area used for purposes of access and as a front garden.
5. The side of Mill Lane where the site is found comprises mainly of well-proportioned properties set on spacious plots that are also predominantly set in from their side boundaries. This gives a pleasing impression of spaciousness, which contributes to the significance of the Conservation Area. The Council's Burton Leonard Conservation Area Character Appraisal (2010) (CA) states that

new development should respect and not impact on the existing spaces between buildings. The CA also identifies a key view from Mill Lane and this includes the gardens and boundaries in front of the properties, including the site. This also contributes to the significance of the Conservation Area.

6. The proposal, by virtue of the cumulative extent of the works, would significantly increase the size and massing of the existing property. The form and appearance would also be markedly changed, so that there would be little semblance to the existing property and the alterations would be as such that they would not appear subservient. This would be most apparent from the streetscene with the proposed 2 storey forward elements on the front elevation, the substantial nature of the roof alterations and the increase in the width of the property.
7. The proposal would result in what would be seen as a lengthened form of a building that would extend close to the side boundaries of the site. This would be most noticeable on the side where the existing garage is sited, with the proposed 2 storey form and the increased width, and whilst it would not result in terracing, it would unduly erode the spacing up to the boundary. In this regard, the proposal would therefore markedly reduce the existing property's contribution to the significance of the Conservation Area.
8. Due to the views that are afforded from Mill Lane over the front garden of the property, the substantial scale of the proposal would also disrupt this aspect of significance. The existing garage, although it projects further forward than the proposal, does not attract the same prominence as it is on a more modest scale. As the main front elevations of properties are appreciably set back on this part of Mill Lane, this would be disrupted by the forward projecting form of the proposal, despite the lack of a fixed building line.
9. From my site visit, it was apparent there has been some erosion of gaps between properties, in particular in between 'Moor View' and 'Ridings'. However, the prevailing character still remains one of where there is spacing up to side boundaries and this contributes to the street pattern, despite the variation in design and heights of individual dwellings, and it is proper for this to be maintained as an aspect of the significance of the Conservation Area.
10. I have had regard to the existing form and appearance of the property; that undue harm would not arise, in my view from the proposed rear dormer, as well as from the porch, chimney, parking, fenestration and tree works; and that materials could be controlled through condition. These do not though address the totality of the harm I have identified to the Conservation Area. I also note there is a dispute between the appellant and the Council over the precise calculations of the size of the proposal, but this also does not alter my conclusions because the size is clearly shown on the submitted plans to enable me to come to a view on character and appearance. The appellant considers that the proposal would be treated more favourably if it was a replacement dwelling, although as it constitutes a house extension I have dealt with it on that basis, notwithstanding that the protection to the Conservation Area would still apply.
11. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of considerable weight and importance. Having regard to the above, I conclude the proposal would not preserve or

enhance the character or appearance of the Conservation Area. This weighs significantly against the proposal.

12. Similarly, the proposal would also not comply with Policies EQ2 and SG4 of the Harrogate Borough Council, Harrogate District Local Development Framework Core Strategy (2009), and 'Saved' Policies HD3, H15 and HD20 of the Harrogate District Local Plan (2001), which, collectively, seek not to permit development that would have an adverse effect on the character and appearance of a Conservation Area, that development should be complimentary with the qualities of the local area, and that it should respect an area's character.
13. The proposal would also not comply with the CA because, as I have set out, it would impact on spaces between existing buildings and impede on views from Mill Lane. It would also not comply with the Council's House Extensions and Garages Design Guide Supplementary Planning Document (2005) which states that such development must be sympathetic to the character of the host dwelling and the local area.
14. The National Planning Policy Framework (Framework) allows for public benefits to be balanced against the harm to designated heritage assets. As I find the proposal would cause harm to the Conservation Area, its design and appearance would not be a benefit. The appellant has stated that the proposal would improve natural surveillance and security, and act as a deterrent to crime. However, I have no evidence before me that crime prevention is a particular issue, or that less intrusive forms of security would be any less effective. There is no dispute between the parties that the proposal would not be unacceptable with regard to the living conditions of the occupiers of neighbouring properties or in other respects, and I see no reason to disagree. These are, however, neutral matters. The broader benefits to the appellant concerning the proposed accommodation are of a largely personal nature. Overall, the benefits would not outweigh the harm.
15. Paragraph 56 of the Framework also makes it clear that Government attaches great importance to the design of the built environment. I find that the proposal would not comply with paragraph 60 of the Framework because although planning decisions should not seek to stifle innovation, originality or initiative, it is proper to seek to promote or reinforce local distinctiveness, which this proposal would not achieve.

Conclusion

16. The proposal would fail to preserve or enhance the character or appearance of the Conservation Area. The harm to the significance of the heritage asset would not be outweighed by the benefits. Accordingly, I conclude the appeal should be dismissed.

Darren Hendley

INSPECTOR