



Appeal Decision

Site visit made on 29 October 2019

by Kate Mansell BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 November 2019

Appeal Ref: APP/E2734/W/19/3235209

21 High Street, Pateley Bridge, HG3 5AP

- 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 Simon Clayton against the decision of Harrogate Borough Council.
 - The application Ref 19/00609/FUL, dated 31 January 2019, was refused by notice dated 30 April 2019.
 - The development proposed is described as 'involving the proposed extension to a ground floor commercial facility incorporating extension works to existing residential accommodation above'.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council's decision notice refers to the effect of the proposal on a Grade II Listed Building at 19 Park Parade. It has subsequently confirmed in its Statement of Case, upon which the appellant has had the opportunity to comment, that this was a typographical error and it should have cited 19 High Street. From my site visit and the evidence before me, I am satisfied that 19 High Street is correct, and the appeal has proceeded on this basis.
3. The Council's reasons for refusal on the decision notice also makes specific reference to the store. However, from the evidence before me and my observations on site, I have nothing to indicate that this part of the proposal would be either physically or functionally severable from the remaining part of the extension. I have therefore considered this appeal on the basis of the proposal before me, comprising the erection of single and two storey extensions to provide additional living accommodation and retail/storage space.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the host property and the surrounding area, having particular regard to the setting of the Pateley Bridge Conservation Area (CA) and the Nidderdale Area of Outstanding Natural Beauty (AONB);
 - Whether the proposal would preserve the setting of 19 High Street, a listed building and;

- Its effect on the living conditions of neighbouring occupiers at 7 and 9 Park Road.

Reasons

Character and appearance

5. Set within an undulating rural landscape, Pateley Bridge is a small village located centrally within the Nidderdale AONB. Its character is partly derived from its topography. The main High Street slopes steeply westwards and it affords views to the wider landscape. This main shopping street is flanked by a variety of two and three storey buildings constructed in stone. They closely align the road, giving it a traditional character and tight-knit appearance. Beyond it are areas of housing.
6. Facing the High Street, the appeal site at No 21 is a shop at ground level with two floors of accommodation above. On its rear elevation is a small extension and first floor terrace/upper courtyard from which steps lead down to a generous open court at a lower level. This yard area is enclosed on its southern side by the appeal site and the rear of the adjoining building at 19 High Street, albeit separated from No 19 by a lower walkway. Immediately on its eastern edge is the rear elevation of residential premises at 7-9 Park Road. The rear of properties on Back High Street adjoin it to the north.
7. Utilised to provide 3 parking spaces for many years, at the time of my visit, it was used to park vehicles and store materials. The appeal proposal would introduce single and two storey extensions to provide additional residential accommodation and a covered retail/storage space to the court with a green roof canopy. An arched entrance would provide access from Park Road.
8. The site lies within the Pateley Bridge CA, a designated heritage asset. In assessing the effects of the proposal, I therefore have a duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the CA. The National Planning Policy Framework (the Framework) also confirms at paragraph 193 that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
9. The Pateley Bridge CA Appraisal (2010) (PBCAA) identifies the High Street as one of three clear phases of development within the village. It notes the largely unbroken frontage of 17th-19th Century buildings along it, as well as the small courts that open off this main street or the back lane to the north of it. The PBCAA also identifies the appeal site to be a pre-1850 building of local interest and recognised as such by the Council as a non-designated heritage asset. The Framework also requires the effect of a proposal on the significance of such assets to be taken into account.
10. Within this context, the appeal proposal would infill most of the rear courtyard and as a consequence, it would no longer be open. Even though it is not traditionally paved in stone flags/setts and is raised from its original level, which would be reinstated as a result of the proposal, building within it would nonetheless conflict with this traditional spatial pattern of development in the High Street area, in respect of the configuration of buildings and spaces within the courts. It would detract from the character of the CA as a result.

11. To the Park Road frontage, the proposal would provide continuity of built form. It would incorporate an entrance to the garage/store that would replicate the shape and scale of the curved double door entrance on the adjacent dwelling at 7 Park Road. I also observed markings on the flank elevation of No 7 that could indicate that an entrance to the courtyard previously existed. I am mindful that the PBCAA refers to arched openings from the courts leading onto the High Street. It would therefore not be unreasonable to assume that these yards historically had entrances. However, this does not justify the erosion of their open appearance, which is a facet of the traditional arrangement.
12. Furthermore, the scale and form of the proposal would be substantial. It would infill the area between the rear of the appeal premises and the side gable of No 7 and also extend behind Nos 7-9. Consequently, even though it would be constructed in materials to match the existing building, it would be disproportionate in scale to the depth of the host dwelling.
13. It would also, in part, have a contemporary appearance. The store extension within the courtyard would create a large expanse of flat roof. Whilst it would incorporate a green roof, I have no details of it before me. Therefore, I cannot determine with any certainty whether the effects of the green roof would be instantaneous nor how it would be maintained. Whilst it might soften the appearance of the structure once complete, I am not persuaded that it would mitigate the extent of the flat roof, which would appear incongruous with the traditional roof profiles of the host property and surrounding buildings.
14. Turning to the effect of the proposal on the character and appearance of the Nidderdale AONB. From the limited evidence before me and my observations on site, the character of the AONB is primarily derived from the quality of the landscape, principally encapsulated in the rolling fields and hills of the countryside that surround the village. Whilst I acknowledge that the heritage of the area contributes to the wider value of the AONB, the proposal would be largely surrounded by existing buildings and, would not, in my view, detract from the landscape setting of the village within the AONB. The natural beauty of this landscape would therefore be preserved.
15. Nevertheless, I find that the proposal, as a consequence of its form, size and design, would be harmful to the character and appearance of the host dwelling. It would also fail to preserve or enhance the character and appearance of the Pateley Bridge CA. As an extension to a single property within the CA, in the context of the Framework, the harm arising from this magnitude of development to the significance of the CA would be less than substantial. It would also result in less than substantial harm to the significance of the host dwelling as a non-designated heritage asset, given that the original building would be largely retained. However, having regard to paragraph 196 of the Framework, the harm to the CA as a designated asset should then be balanced against any public benefits that the scheme might bring.
16. In this case, I recognise that the proposal would provide additional residential accommodation and eliminate the visual effect of parked commercial vehicles within the village, as they would be kept within the undercroft. Furthermore, it would provide additional storage to support the appellant's business within the village and it would improve security and prevent unauthorised access, including the risk of falling down the full storey drop in ground level around the rear of No 19. However, I have no substantive evidence that storage of this

scale would be required or that the yard has been subject to unwanted entry. In any event, such limited public benefits do not, in my view, outweigh the less than substantial harm that would be caused to the significance of the designated heritage asset.

17. I therefore conclude that the proposal would have a harmful impact on the character and appearance of the host property and Pateley Bridge CA, which it follows, would not be preserved or enhanced. Accordingly, it would be contrary to Policies EQ2 and SG4 of the Harrogate District Core Strategy (2009) (HDCS) and Saved Policies HD3 and HD20 of the Harrogate District Local Plan (2001) (HDLP). These policies seek, amongst other matters, to secure high quality locally distinctive design that is integrated and complementary to neighbouring buildings and respects the spatial qualities of the area, to ensure that it protects and enhances the built environment and the character and appearance of Conservation Areas.
18. These policies are consistent with the objectives of the Framework, to promote high quality design that considers the impact of development on designated heritage assets, which should be preserved or enhanced, with which the proposal would also conflict. I also find that, for this reason, it would be contrary to guidance within the PBCAA (2010) to preserve or enhance the CA and the Council's Harrogate District Heritage Management Guidance Supplementary Planning Guidance (2014) (HMG SPG), including advice that new development should respect the heritage of a building and its setting.
19. For the reasons set out above, as I find no harm to the character and appearance of the Nidderdale AONB, there would be no conflict with Policy C1 of the HDLP (2001).

Setting of the Listed Building

20. The neighbouring building at 19 High Street (The Crown Hotel) is Grade II Listed. In accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I therefore have a duty to have special regard to the desirability of preserving the setting of this Listed Building. Furthermore, Paragraph 194 of the Framework says that any harm to the significance of a designated heritage asset should require clear and convincing justification.
21. The listing description records that No 19 is early 19th Century. It refers to its construction in squared stone and makes particular reference to the architectural features on the front elevation. Nevertheless, the Council's HMG SPG (2014) clarifies that the whole of any principal building is listed and a location that would affect the setting of a listed building is considered sensitive, where only development of the highest quality will be accepted.
22. In this case, the proposal would be set against the context of the rear elevation of the Listed Building. The scale and design of the store in particular, in terms of its footprint and large flat roof, would be at odds with the traditional pitched roof profile of No 19 and it would be unsympathetic as a result. Moreover, the plans indicate that the proposal would abut a section of the rear wall of No 19. However, I have no details before me as to how this would be constructed nor how it would affect the historic fabric of the Listed building and the significance of the heritage asset as a result.

23. On the evidence before me, and irrespective of a lack of objection from the Parish Council, I consider that the proposal would fail to preserve the setting of the Grade II Listed Building at 19 High Street. This weighs considerably against it. Given the magnitude of the scheme overall, however, I find the harm to be less than substantial but nevertheless of considerable overall importance and weight. Under such circumstances, having regard to paragraph 196 of the Framework, the degree of harm would not, in any event, be outweighed by the scale of public benefits that I have previously identified.
24. For these reasons, I am not persuaded that the heritage assets of 19 High Street would be conserved in a manner appropriate to its significance. I therefore conclude that the proposal would fail to preserve the setting of No 19, and it would conflict with Policies EQ2 and SG4 of the HDCS (2009) and Saved Policy HD20 of the HDLP (2001). When read together, these policies seek, amongst other matters, to ensure high quality design that protects, enhances and integrates with the built environment and respects the local distinctiveness of existing buildings.

Living conditions of the neighbouring occupiers

25. Whilst the Council's House Extensions and Garages Design Guidance Supplementary Planning Document (2005) (House Extensions SPD) relates more particularly to those wishing to extend or improve their home, rather than to additions to commercial premises, it does clarify that overshadowing occurs when the development is in such a location, or is of a size, that it would cause significant overshadowing of a neighbour's property. It acknowledges that the extent of it will depend on the orientation of the development, its size and position and differences in ground level.
26. In this case, the proposal would be sited to the rear of 7 and 9 Park Road. However, it would be set away from the immediate proximity of their west-facing ground floor windows and a rectangular 'lightwell' space would be retained immediately adjacent to them. Furthermore, the appellant's evidence includes visuals of the proposal. These show that the roof of the store would sit broadly equivalent to the lower sill level of these ground floor windows, which would overlook the flat roof. Consequently, the proposal would not obstruct the light into them. I am therefore not persuaded that it would result in overshadowing of these neighbouring properties.
27. I appreciate that the lower store room would be in close proximity to the rear of Nos 7 and 9. However, the courtyard is already used to park vehicles and for storage. These would be enclosed by the proposal and I have no substantive evidence before me to demonstrate that it would subsequently result in additional levels of activities and disturbance that would be harmful to the living conditions of the occupants of these neighbouring properties.
28. I therefore conclude that the proposal would not have a harmful effect on the living conditions of neighbouring occupiers. As a result, I find no conflict with Policy SG4 of the HDCS (2009) or Saved Policy HD20 of the HDLP (2001). These policies include a requirement to secure development that is complementary to neighbouring buildings and respects the living conditions of the adjacent occupiers. For the reasons already stated, I also find no conflict with guidance within the Council's House Extensions SPD (2005).

Other Matter

29. The officer report indicates that rear access is required to 7 and 9 Park Road. However, this is a civil matter that does not alter the planning merits of the proposal. It is not a reason to withhold planning permission.

Conclusion

30. Whilst I find that the development would not harm the living conditions of neighbouring occupiers, nor the character and appearance of the Nidderdale AONB. it would unacceptably harm the character and appearance of heritage assets. For the above reasons, and having regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

Kate Mansell

INSPECTOR