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## Appeal Decision

Site visit made on 10 December 2019 by C McDonagh BA (Hons), MA

**by P Willows BA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 13 February 2020**

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**Appeal Ref: APP/E2734/D/19/3238499**

**4 Benson's Yard, Cream Cottage, Briggate, Knaresborough, HG5 8BL**

- 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 Ms Amanda Stott against the decision of Harrogate Borough Council.
  - The application Ref 19/02472/FUL, dated 12 June 2019, was refused by notice dated 7 August 2019.
  - The development proposed is a single storey rear extension.
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### Decision

1. The appeal is dismissed.

### Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

### Main Issues

3. The main issues are:
  - Whether the development would preserve or enhance the character or appearance of the Knaresborough Conservation Area and whether the setting of nearby listed buildings would be preserved; and
  - The effect of the proposal on the living conditions of the occupiers of No.19 Briggate with regard to any potential overbearing effect.

### Reasons

#### *Knaresborough Conservation Area and Listed Buildings*

4. The appeal site lies within the Town Centre and York Place subsection of the Knaresborough Conservation Area (CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special attention be paid to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
5. The CA appraisal identifies the two primary focuses of this section of the CA as the High Street and the Market Place. The many ginnels and yards connecting to and from the main streets of the area are also prevalent features, while 86

burgage plots were created in the formation of the village, set primarily around the Market Place.

6. The appeal site comprises a two-storey stone-built cottage of white render appearance located within an enclosed area known as Benson's Yard. The property is accessed from Briggate through a gated thoroughfare, while a further dwelling is located within the same yard area. The property has been extended previously to incorporate additional living space and garages.
7. The Council's House Extensions and Garages Design Guide Supplementary Planning Document (the SPD) highlights the importance of development respecting existing building lines, the pattern of buildings and the spaces between them. The SPD also states that the pitch of extension roofs should be as, or similar to, the house roof pitch. Although the SPD predates the National Planning Policy Framework (the Framework) it is not inconsistent with it.
8. While many plots in the area have seen development, such as extensions to nearby public houses, as I have already found, building lines largely mirror the linear form of the plots themselves. While smaller nuances are apparent, such as the porch to the front of the appeal property, and irrespective of the question of its historic origins, this form remains a significant feature of the area. The proposal would represent a substantial departure from this pattern, extending the property into garden space perpendicular to its current layout. The loss of this space between the appeal property and the garages adjacent would cause visual harm to the dwelling. Its style and pitch are a departure from that of the cottage, which features steeper pitched roofs, causing further harm with regards to the property's form.
9. Turning to the setting of nearby Listed Buildings, section 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to have special regard to the desirability of preserving the building, or its setting. Having read the officer report, this would appear to include only 17 and 19 Briggate. However, given 17 forms part of the listing under '11, 13, 15, 17 Briggate', this is to be considered as a whole.
10. The significance of '11, 13, 15, 17 Briggate' lies in the front elevations of the four properties which face Briggate and the contribution these make to the street. Due to the position of the extension to the rear of Cream Cottage, the host property itself would obscure views of the development from the rear of these Listed Buildings ensuring there would be little inter-visibility between the two elements. As such I do not consider that there would be any harm to the setting of this heritage asset.
11. With regards to 19 Briggate, the proposal would be clearly viewed from the rear above the existing boundary wall. Regardless of the question of whether the development is built on a burgage plot, the linear plots are a key characteristic of buildings in this area, which have generally taken a linear form as a result. This linear shape forms part of the setting of this Listed Building and makes a positive contribution to the conservation area. The interruption of this form would cause harm to the setting of the Listed Building. Given the localised impact this would be less than substantial.
12. For these reasons the proposal would neither preserve nor enhance the character or appearance of the CA or the setting of 19 Briggate, a Listed

Building. As such, it would be contrary to the requirements of Section 66(1) and 72(1) of the Act.

13. In terms of the Framework, the harm caused to both the CA and 19 Briggate would be less than substantial. The approach in paragraph 196 of the Framework is that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal.
14. There are no public benefits forwarded by the appellant which would weigh in favour of the proposal. As such, I have nothing to indicate that benefits of the proposal would outweigh the harm I have identified; harm which, given the requirements of the Act and guidance in Paragraph 193 of the Framework, carries great weight.
15. In conclusion, the proposal would conflict with the SPD, saved policies H15, HD3 and HD20 of the Harrogate District Local Plan (LP) and EQ2 and SG4 of the Harrogate District Local Development Framework Core Strategy (CS). Collectively, these seek to ensure there would be no adverse effect on the character and appearance of Conservation Areas and development is appropriate to the form and character of the settlement.

*Living conditions of occupiers of 19 Briggate*

16. The extension would be erected to the rear of 19 Briggate, along the shared boundary with the appeal site currently defined by a boundary wall and fence. There is a change in levels between the two elements, with the position of the proposal elevated above the rear courtyard to the rear of 19 Briggate.
17. The SPD advises separation distances between existing properties and proposed extensions to ensure there are no adverse impacts on residents. While a distance of 8m from the rear windows of 19 Briggate would be met, there would be a shortfall from the advised distance whereby an additional 1m should be applied for every 1m change in level. While this shortfall may be minor in isolation, the loss of outlook experienced from the rear windows of 19 Briggate would be significant and overbearing. The existing fence includes trellising which allows some permeability in views towards and beyond the rear elevation of Cream Cottage. Replacing this with a solid wall and pitched roof would cause a significant reduction in outlook beyond the garden of the appeal site and the development would appear oppressive in views for occupiers of 19 Briggate. While the rear courtyard of 19 Briggate may be used for parking at present, the windows of the property still have clear views towards and past the appeal site and, as such, the development would result in harm to living conditions of future and present occupiers.
18. I note the appellant questions the relevance of the SPD in assessing whether the development would have an overbearing impact. However, it is made clear that Appendix D 'addresses the issues of Overlooking, Overshadowing and Overbearing', while chapter 9 defines overbearing as 'the physical presence of an extension of such a magnitude in terms of overall mass (height, length and basic shape) and in such proximity to neighbouring property that it results in serious loss of amenity'. As such, while it is guidance rather than policy, the SPD is relevant in this consideration.

19. Reference is made to research undertaken by the Department of Communities and Local Government (CLG) regarding impacts deriving from household development in planning. However, I do not have the document before me, and I am not persuaded that the development would be acceptable in terms of its impact on neighbours on the basis of the information before me.
20. It is suggested that the property could be extended without the need for planning permission. It is argued that these changes to the property could be more harmful to the appearance of the property and the living conditions of the occupiers of 19 Briggate than the proposal. However, there is nothing before me to suggest that there is an intention to construct an alternative proposal, nor do I have any details of any potential extensions. In any event, I cannot be sure that the appellant's assessment of permitted development is correct, since it refers to the Town and Country Planning (General Permitted Development) Order 1995, which no longer applies.
21. To conclude on this second main issue, for the above reasons the proposal would cause harm to living conditions for future and existing occupiers of 19 Briggate due to the overbearing impact of the proposal. As such the proposal is contrary to saved policies H15 and HD20 of the LP and policy SG4 of the CS. Collectively these seek to ensure there would be no adverse effect on neighbouring residential amenity or property.

### **Recommendation**

22. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

*C McDonagh*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

23. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

*Peter Willows*

INSPECTOR