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## Appeal Decision

Site visit made on 18 February 2020 by C McDonagh BA (Hons), MA

**by Jonathan Hockley BA (Hons) DipTp MRTPI**

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

**Decision date: 3<sup>rd</sup> April 2020**

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**Appeal Ref: APP/E2734/D/20/3244310**

**10 Strawberry Dale, Harrogate, HG1 5EF**

- 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 Wells of Aclim Properties against the decision of Harrogate Borough Council.
  - The application Ref 19/03289/FUL, dated 2 August 2019, was refused by notice dated 15 October 2019.
  - The development proposed is a new basement to existing property.
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### Decision

1. The appeal is allowed and planning permission is granted for alterations to basement to form ancillary accommodation. Works to include erection of 2no. retaining walls, formation of light wells and access ramp at 10 Strawberry Dale, Harrogate, HG1 5EF in accordance with the terms of application ref: 19/03289/FUL, dated 2 August 2019 and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Plans and Elevations as proposed 002 Rev B.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### 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.

### Procedural Matters

3. Subsequent to the making of the appeal the Council adopted their new Local Plan<sup>1</sup> on 4 March 2020 (the Local Plan). The adoption of this plan supersedes various policies cited in the Council's decision notice from the previous Local Plan and Core Strategy. The Council was given the opportunity to comment on this change in the development plan, but no comments were received.

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<sup>1</sup> Harrogate District Local Plan 2014-2035

## **Background and Main Issue**

4. The description of the development provided on the planning application form has been replaced by amended versions on the Council's decision notice and in subsequent appeal documents. For completeness I have included the original description in the banner. However, I consider the description as given on the decision notice to be a more accurate description of the development which forms the basis of this appeal and I have therefore used it within this decision.
5. The proposal entails the conversion of the existing basement of the property into additional living space. Externally, this would see the installation of lightwells to the front and rear elevations at basement level, both of which would include retaining walls while a ramp would be added to the front door to improve access. The Council do not take issue with the provision of a lightwell and retaining wall to the rear, the retaining wall to the front or the ramp to the front door. Based on all that I have seen and read I have no reason to disagree with this view.
6. Therefore, the main issue in this appeal is the effect of the lightwell to the front elevation on the character and appearance of the host building and whether or not the proposal would preserve or enhance the character or appearance of the Harrogate Conservation Area (CA).

## **Reasons**

7. The host building is a two-and-a-half storey, stone built mid-terrace dwelling located in an area of mixed residential and commercial use. It includes a bay window to the front elevation overlooking a small garden area, while a slightly larger amenity space is located to the rear.
8. The appeal site is located on the border of Character Areas A and B of the CA. Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires the decision maker to pay special attention to the desirability of preserving and enhancing the character or appearance of Conservation Areas. In this respect, national policy on heritage assets, which includes conservation areas, is set out in the National Planning Policy Framework (the Framework). At paragraph 192, it sets out matters which should be taken into account when determining applications including sustaining and enhancing the significance of the heritage asset and the desirability of new development making a positive contribution to local character and distinctiveness.
9. The Harrogate Conservation Area Appraisal (CAA) for Character Area A states the area includes a large variety of building types and as such, it is not possible to make anything other than broad observations. The CAA notes that Strawberry Dale divides the northern fringe of the town centre from the more residential area to the north and is highlighted as housing 'longer terraces' than are found elsewhere in many places in the CA where detached villas and semi-detached houses may predominate. This accords with my site visit, where I also noted numerous examples of other lightwells and basement level doors and windows in the vicinity, such as at 11 Mayfield Grove close to the appeal site on a prominent corner plot and not screened by a wall.
10. The lightwell would introduce a new feature to the primary elevation of the host building and would alter the appearance of the property. However, I noted on the site visit that to view this part of the building requires the receptor to be

stood directly outside the property looking down. As such it would not be prominent in the streetscene, as it is screened by the existing low stone wall. I note the Council's concern that the insertion of an opening in this location would undermine the solid stone base of the property. However, when viewed from most of the street and surrounding area, this stone base would still be a feature with the lightwell largely hidden from view, while being of similar proportions to existing fenestration on the front elevation. As such, I do not consider the lightwell would cause harm to the character and appearance of the host building; for the same reasons nor would the proposal harm the character or appearance of the CA and would reflect the characteristics of this part of the CA.

11. I therefore conclude that the proposal would not cause harm to the character and appearance of the host property and would preserve the character and appearance of the CA. The proposal would comply with the Act and the Framework which seeks to protect the historic environment and to ensure new development is sympathetic to local character, as well as complying with policies HP2 and HP3 of the Local Plan which together state that proposals for development that would affect heritage assets will be determined in accordance with national planning policy and that development should protect, enhance or reinforce characteristics that contribute to local distinctiveness.

### **Conditions**

12. In the interests of proper planning and to provide certainty I have recommended the standard time limit condition and have specified the approved plans.
13. In the interests of the character and appearance of the appeal property and the conservation area, it is necessary to attach a condition that requires the materials of the development to match those of the existing building.

### **Conclusion and recommendation**

14. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to these conditions.

*C McDonagh*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

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

*Jon Hockley*

INSPECTOR