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## Appeal Decision

Site visit made on 28 May 2020

**by Adrian Caines BSc(Hons) MSc TP MRTPI**

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

**Decision date: 2 June 2020**

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**Appeal Ref: APP/E2734/W/20/3246836**

**Rock Cottage, 45 Abbey Road, Knaresborough HG5 8HX**

- 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 and Mrs M Priestley against the decision of Harrogate Borough Council.
  - The application Ref 19/02574/FUL, dated 18 June 2019, was refused by notice dated 13 August 2019.
  - The development proposed is erection of a single dwelling.
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### Decision

1. The appeal is dismissed.

### Procedural Matters

2. The Harrogate District Local Plan 2014-2035 (HDLP), which was in draft at the time the Council refused planning permission, was formally adopted on 4 March 2020. This replaces both the Harrogate District Local Plan (2001, as altered 2004) and the Harrogate District Core Strategy (2009), such that the policies of those plans cited on the decision notice are no longer part of the development plan and have no weight. I have therefore determined the appeal having regard to the relevant policies within the HDLP 2014-2035.
3. My attention was drawn to a previous appeal decision on the site<sup>1</sup>, but it significantly pre-dates the HDLP and the National Planning Policy Framework (the Framework). There are also clearly differences in the scale, design and siting of the house in each case. Accordingly, for the avoidance of any doubt, I have determined this appeal on its own merits and against the relevant material considerations at this current time.

### Main Issue

4. The main issue is whether the proposal would preserve or enhance the character or appearance of the Knaresborough Conservation Area.

### Reasons

5. The appeal site lies immediately to the east of 45 Abbey Road on the 'north' side of the road. It is part of a steeply-sloping wooded embankment, although it also contains some formal and informal garden, as well as a wide hardscaped parking area associated with No 45. A number of small timber garden structures sit within the embankment absorbed by the surrounding vegetation. Trees within the site are protected by a Tree Preservation Order. A public

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<sup>1</sup> APP/E2734/A/01/1076269

- footpath begins at the south west corner of the site and links Abbey Road to the crag top above, passing along the northern boundary of the site.
6. Abbey Road is included within an outlying continuation of the Knaresborough Conservation Area (KCA) along the River Nidd. It is a narrow road with houses of different ages and size along its length, including old stone cottages and twentieth century detached houses. Most of the western part of the area contains development of a pleasant suburban character. The development becomes more sporadic to the east and the character more semi-rural, particularly on the north side of the road where the steep wooded embankments and crags typify the landscape. The appeal site is more representative of the latter.
  7. The Knaresborough Conservation Area Character Appraisal (2008) explains that it is the landscape rather than buildings which principally accounts for the inclusion of the Abbey Road area in the KCA. The appeal site's attractive verdant character and absence of substantial buildings makes a positive contribution to the landscape character of the area, and hence to the significance of this part of the KCA. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the KCA. Policy HP2 of the HDLP reflects this legislative duty by requiring that proposals affecting a conservation area protect and, where appropriate, enhance those elements that have been identified as making a positive contribution to the character of the area. Due to the proximity of public footpaths, I have also been referred to Policy HP5 of the HDLP, which seeks to protect the recreational and amenity value of Public Rights of Way.
  8. The proposed house would appear modest in scale, assisted by its careful response to the constraints posed by the steeply sloping topography that it would be set into. Together with its cottage design and use of natural building materials, the house would be in keeping with the character of the buildings on this part of Abbey Road.
  9. Nonetheless, the house would sit forward of No 45 in an elevated position where it would be visible in both directions on Abbey Road. There would also be some loss of vegetation coverage within the site, albeit not natural woodland. Whilst the site already contains some domestic elements, they have limited influence on the verdant character of the site. Overall, both the amount and visibility of built development on the site would increase markedly. Even though this would be confined to the western part of the site close to No 45, it would still diminish the site's positive contribution to the distinctive character of the area. The effect would be localised, but nevertheless, there would be harm caused to the character and appearance of the KCA, contrary to HDLP Policy HP2.
  10. In reasoning the above, I have had regard to the views from surrounding public footpaths, but as these would be very limited due to the combination of existing vegetation, other buildings and the topography, it has not been a determinative factor and I do not find any significant conflict with the objectives of HDLP Policy HP5.
  11. Owing to its nature and localised extent, the identified harm to the character and appearance of the KCA would be 'less than substantial' in the parlance of the Framework. However, any harm to a designated heritage asset requires

clear and convincing justification. Furthermore, heritage assets are an irreplaceable resource, and should be conserved in a manner appropriate to their significance.

12. In accordance with the Framework, the 'less than substantial' harm to the KCA should be weighed against the public benefits of the scheme. In this case, no specific public benefits have been put forward. However, it is recognised that a new dwelling would add to the supply and choice of housing in the area and bring economic benefits from its construction, but at a very small scale. These modest public benefits would not convincingly outweigh the harm that would be caused to the KCA, a matter to which I have attached great weight.
13. I therefore conclude that the development would not preserve or enhance the character or appearance of the Knaresborough Conservation Area. The less than substantial harm would not be outweighed by the public benefits of the scheme. The proposal would therefore be contrary to HDLP Policy HP2 and the Framework, and would not be sustainable development.

### **Other Matters**

14. The principle of residential development in this location is not a matter of dispute, but this does not lead me to a different conclusion on the main issue.
15. I have noted the comments from the Parish Council and other interested parties regarding traffic, wildlife, flooding, and infrastructure. These matters did not feature in the Council's refusal reasons and as I am dismissing the appeal for other reasons, it is not necessary to consider these matters any further as any findings in this respect would not change the appeal outcome.

### **Conclusion**

16. For the reasons set out, I conclude that the proposal would be contrary to the development plan, and the Framework, and therefore the appeal should be dismissed.

*Adrian Caines*

INSPECTOR