

Appeal Decision

Site visit made on 20 July 2020

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 July 2020

Appeal Ref: APP/N4720/W/20/3249435

Hartley House, 50 Mill Way, Otley LS21 1FE

- 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 James Robinson (JC Robinson Ltd) against the decision of Leeds City Council.
 - The application Ref 19/07076/FU, dated 8 November 2019, was refused by notice dated 31 January 2020.
 - The development proposed is the erection of a first floor Dining Terrace/covered walkway to restaurant.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the character and appearance of the existing property and the Otley Conservation Area.

Reasons

3. Hartley House is located in a prominent position on the side of the River Wharfe. As a former component of Garnett's Mill it has historical importance, however due to its attractive form and stone built construction it also is of visual importance to the Otley Conservation Area (CA). The significance of the CA in this location is defined predominantly by the extensive weir which is positioned close to the appeal site, by the attractive riverside location and by the association with the former mill complex. Views taken of the appeal site from the opposite bank of the river frame Hartley House in the backdrop of the weir, and therefore it is a building that is visually significant within the CA.
4. The proposed terrace would be positioned on an elevation of the appeal building which is key in views taken across the river and also from views along Mill Way. At present, this elevation has a simple form, with modestly sized openings at ground and first floor level. The proposed development would detract from this elevation, creating visual clutter at first floor level and diminishing its simple form, thus eroding the positive contribution it makes to the character and appearance of both the existing building itself and the CA. This would cause harm to the character and appearance of the existing building and the CA.
5. In accordance with the statutory duty set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have paid special attention to the desirability of preserving or enhancing the character or

appearance of the CA. As I have found harm to character and appearance, it follows that the proposed development would neither preserve nor enhance the CA and this is a matter to which I afford considerable importance and weight. Given the nature of the proposed development and that the harm would be localised, I consider that less than substantial harm to the CA would arise. This being the case, it is necessary to weigh the public benefits of the proposal against the harm that would arise to the CA, in accordance with Paragraph 196 of the National Planning Policy Framework (The Framework).

6. In this regard, public benefits have been outlined with respect to the contribution that the restaurant makes to the tourism interest of Otley, to the economy of Otley and the sustainability of the CA, that the appeal proposal would lead to additional employment, and that it would improve access to views of the river and improve the dining experience. However, due to the scale of the proposal, the benefits arising directly from it would only be limited in their scope and they do not outweigh the harm that would result to the CA due to the impact upon its character and appearance. Therefore, the public benefits of the proposal do not outweigh the harm to the CA.
7. In making my assessment, I have had regard to the current context of the surrounding area and to the presence of the recently constructed housing development close to the site, which has followed the clearance of the former mill. Whilst terraces may be features that are often found in riverside locations in historic CAs, I have considered the appeal proposal upon its own merits and the impact that would arise in this specific instance. I also acknowledge that a design rationale has been set out which aimed to ensure that there would not be an adverse impact as a result of the proposed development, and that the existing ground floor outdoor seating area would offer some screening of the lower section of the appeal proposal. However, none of these factors overcome the harm that I have identified.
8. Whilst there was no objection from the Conservation Officer, Design Team or Otley Town Council, I have reached my own conclusions on the impact of the proposed development, for the reasons that I have set out. Although there is limited scope to extend the existing building further, this does not justify a harmful development. Reference is also made to alternative schemes discussed with the Council, however I must determine the appeal based upon the proposal that is before me.
9. I therefore conclude that the proposed development would cause harm to the character and appearance of the existing property and the Otley CA. Consequently, the proposed development fails to accord with Policies P10, P11 and P12 of the Leeds Core Strategy 2019 and Saved Policies GP5, BD6, N19 and BC7 of the Leeds Unitary Development Plan 2006, which collectively seek to protect character and appearance and designated heritage assets. I have also identified conflict with The Framework, because the harm to the CA is not outweighed by public benefits.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR