
Appeal Decision

Site visit made on 21 July 2020 by Ifeanyi Chukwujekwu BSc MSc MIEMA CEnv AssocRTPI

Decision by Zoe Raygen Dip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 August 2020

Appeal Ref: APP/E2734/D/20/3245135

11 Skellbank, Ripon, North Yorkshire HG4 2PT

- 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 Lomax against the decision of Harrogate Borough Council.
 - The application Ref 19/04353/FUL, dated 9 October 2019, was refused by notice dated 12 December 2019.
 - The development is a dormer roof to rear roof pitch.
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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.

Procedural Matters

3. The Council in its reason for refusal refer to saved policies of the Harrogate District Local Plan (2001, as altered 2009) which was the current local plan at the time, as well as policies of the emerging Local Plan. Since the Council's decision and submission of this appeal, the Harrogate District Local Plan 2014-2035 was adopted on 4 March 2020. Policies of this plan now supersede policies of the previous plan as well as policies of the Core Strategy (2009). This appeal decision is based on consideration of current policies.

Main Issue

4. The proposal has already been constructed. The main issue is the effect of the development upon the character and appearance of the host dwelling and whether it preserves or enhances the character and appearance of the surrounding Ripon Conservation Area (the 'CA').

Reasons for the Recommendation

5. The CA covers a large part of the centre of Ripon. From the evidence before me and my observations on site, the significance of the CA is largely derived from the number of high-quality traditional buildings, together with the retention of original materials, and the siting of the buildings and their

relationship to each other. No. 11 is a two-storey end of terrace dwelling on Skellbank in Ripon. It is part of a terrace block of Victorian properties characterised by their setback from the road with long front gardens. Though the property is unlisted, the block is referred to in the Ripon Conservation Area Character Appraisal (June 2009)¹ as unlisted buildings which make a significant positive contribution to the character of the CA because of its unusual four pane over eight pane sash windows with small margin panes. I saw this to be the case at my site visit and the largely unaltered traditional terrace contributes positively to the significance of the CA.

6. Harrogate Borough Council's House Extensions and Garages Design Guide (Adopted in 2005 as a Supplementary Planning Document to the Local Development Framework) (the 'SPD') advises that dormer windows should seek to line up vertically with existing windows and match their style and proportions². Contrary to this guidance, the windows of the dormer which is subject of this appeal, by virtue of their size and position neither align nor match the style and proportions of existing windows in the host dwelling. The appellants argue that there are other windows at the back of the terrace that do not match but have not provided any evidence to substantiate this, and I was unable to observe any such on visit to the site.
7. The dormer is also of a flat roof design which is contrary to the SPD. The appellant has pointed to other existing flat roof dormers in the area and asserts that this is an accepted norm. Each application and appeal are assessed based on its own merits and existence of other dormers is not a strong enough reason to justify visually harmful development. Nevertheless, these dormers, including those on the terrace itself are small and the SPD does state that occasionally, small, flat-roofed dormers are appropriate to the style of a house. In contrast, the appeal development is large and is only marginally set down from the ridge of the existing roof. Furthermore, it is not set back from the original wall of the dwelling contrary to the recommended 1 metre distance in the SPD. As a consequence, it dominates the rear roof, considerably eroding the traditional roof form of the terrace.
8. Though the dormer is not visible from the street at the front of the property, the appeal property backs onto Ripon Spa Gardens. Though there are mature trees and hedges which obscure the view of the dormer from certain areas within the gardens, I was able to gain substantial views of the dormer from a number of vantage points during the site visit and the grey render coupled with the size makes the dormer stand out as a bulky addition to the host property's roof and the terrace as a whole. As a result, it fails to complement local distinctiveness because of its top-heavy and over-dominant appearance. The development is inconsistent with the external appearance of the host building and block and by virtue of the scale, form and design of the dormer, the development has a visually harmful effect upon the character and appearance of the CA and its significance.
9. The harm caused is less than substantial nevertheless is of considerable importance and weight. Improvements to the property attract limited weight as a private benefit to the appellant. Therefore, on this basis, it is not considered

¹ See page 39, paragraph C.

² Chapter 13: Dormer and Roof Extensions p.16

that there are demonstrable public benefits that would outweigh the identified harm to the significance of the CA.

10. Consequently, I find that the dormer roof to the rear fails to preserve or enhance the character or appearance of the CA. Accordingly, the scheme conflicts with the National Planning Policy Framework and Policies HP2, HP3 and HS8 of the Harrogate District Local Plan 2014 -2035 (2020) which amongst other things seek to ensure that 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 and special architectural or historic interest of the area and its setting.

Other matters

11. Whilst I have some sympathy for the appellant regarding alleged pre-application advice provided by the Council in respect of the dormer, I have no reason to suggest the alleged advice was anything other than informal advice that would not, in any case, have prejudiced the Council's decision on a subsequent planning application. In any event, it falls to me to assess the merits of the dormer.

Conclusion and Recommendation

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

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report, and on that basis, I agree that the appeal should be dismissed.

Zoe Raygen

INSPECTOR