



Appeal Decision

Site visit made on 30 June 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th November 2020

Appeal Ref: APP/E2734/Y/20/3250221

Elite Dental Studio, 22 High Skellgate, Ripon HG4 1BD

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Mark Price of Elite Dental Studio against the decision of Harrogate Borough Council.
 - The application Ref: 19/03643/LB, dated 22 August 2019, was refused by notice dated 9 January 2020.
 - The works proposed are described as: Paint exterior of building.
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Decision

1. The appeal is dismissed.

Procedural matters

2. The works have already been carried out and I was able to see them when I visited the site. The listed building consent application form states that the works were completed in August 2017.
3. On 4 March 2020, after the listed building consent application was determined but before the appeal was submitted, the Council adopted the Harrogate District Local Plan 2020 (the Local Plan). This superseded the previous policies of the Harrogate Core Strategy 2009 and the Harrogate District Local Plan 2001 that are cited on the decision notice. I have therefore determined the appeal based on Policy HP2 of the adopted Local Plan, which is noted as an emerging policy on the decision notice.

Main Issues

4. The main issue in this appeal is the effect of the works on the special interest of 22 High Skellgate, which is a Grade II Listed Building, and on the character and appearance of the Ripon Conservation Area.

Reasons

5. The appeal building has a two storey frontage with an asymmetric pitched, or catslide, roof resulting in the rear wall appearing as a single storey rear elevation. It is constructed from brick with the roof covered in red pantiles. A timber fascia board is located just below the level of the eaves. At each end of the building there is a shop front, with that at the north end being a late Nineteenth Century alteration to the building. There is no information in respect of the other shop front which has a recessed entrance door and a

smaller, canted, display window. The List description states that the building dates from the 18th Century, or earlier, and notes the presence of horizontally sliding 'Yorkshire' casement windows and two shop fronts on the principal elevation of the building. The list description also refers to two plaster bas-relief panels, depicting classical scenes, set into the lower door panels of the northern shop front. However, these were not present when I visited the site and are not present in any of the photographic evidence submitted with the appeal.

6. The brickwork of the appeal building has been painted a dark charcoal grey colour and the doors, windows, and shop fronts a lighter grey colour. Photographic evidence provided with the appeal shows the building previously painted white with the woodwork largely painted dark blue.
7. There is little substantive evidence from either party in respect of the significance of the building. The appellant's Heritage Statement does not contain any specific information regarding the building or any detailed analysis of the effects of the works. The Council consider that the building's special architectural and historic interest relates to its appearance and setting in relation to the group of buildings of which it is part and the wider surrounding area.
8. From the historical information in the Ripon Conservation Area Character Appraisal 2009 (the CACA), brick became the dominant local building material in Ripon from the Seventeenth century onwards, replacing the earlier style of timber framed buildings. Given the attributed date of the building, from the Eighteenth century or earlier, it is consequently one of the earlier examples of brick building in the city and indicative of the architecture of that time. The CACA sets out that, in the late Nineteenth century, the widening of earlier medieval streets around the city centre caused older buildings to be replaced with pressed red brick modern work. Although High Skellgate was not subject to these road widenings, from the information provided in respect of the adjoining listed buildings at 19, 20 and 21 High Skellgate, these date from the Nineteenth century and from the site visit it was apparent that many of the other buildings in the street are of a later date than the appeal building which is a survivor from an earlier time. The CACA also states that the built form of High Skellgate, as a result of escaping the road widenings that took place in the Nineteenth Century, is indicative of how other, since altered, streets may have appeared previously.
9. In so far as it relates to this appeal, the significance of the building is as an example of an early brick building in the city, the architectural style of domestic scale buildings at the time, and the contribution that it makes to the appearance of the group of buildings and the street of which it forms a part.
10. The use of grey paint for both the brickwork and the shop fronts and other woodwork homogenises the building and diminishes the contrast between the brickwork and the architectural features of the building, particularly the shop fronts and joinery details of the windows. The dark colour of the paintwork also makes the detail of the brickwork itself less distinct, making interpretation and understanding of the building more difficult. Although the dark colour makes the building stand out in the street scene, it is nonetheless inconsistent with the lighter colours used on other buildings with painted façades in the street. Taken together, these cause harm to the architectural and historic

interest of the building and to its significance. However, as the works have not resulted in the loss of any architectural features or historic building fabric, this harm is less than substantial.

11. There is also little evidence from either party in respect of the significance of the conservation area. The CACA sets out that this part of the conservation area was the main industrial area of medieval Ripon and, as set out above, Westgate and High and Low Skellgate, where older pre-Twentieth century two and three storey buildings crowd in along the narrow streets, give the best impression of how the area would have appeared previously. This relates mainly to the perception of the built form and the spaces and general views that it creates rather than the contribution made by individual buildings. The CACA does, however, identify that the view to the south down High Skellgate is a key view within the conservation area. The conservation area is also illustrative of the evolution of the built form and local architectural styles of Ripon over time.
12. When I visited the site, I saw that painted building façades were not uncommon in the conservation area but that these were painted in light colours and architectural features, such as shop fronts and window surrounds, were painted in a darker, contrasting, colour. Similarly, grey is not an uncommon paint colour in the conservation area. However, I saw that, unlike the appeal building, its use was restricted to shop fronts, fascia boards and building details rather than forming the base colour to the main walls. As a result, the visual appearance of the building resulting from its painting does not follow the prevailing appearance of the conservation area.
13. Neither the CACA, nor the Harrogate District Heritage Management Guidance 2014, provide specific advice on painting, repainting, or the colours that are used. Nor does either document highlight that particular colours are typical of the area. The management strategies set out in the CACA state that insensitive re-pointing, painting or inappropriate render will harm the long-term durability of brick and stonework. However, there is no evidence before me that the type of paint that has been used on the building would compromise the brickwork.
14. Nonetheless, the inconsistency of the dark grey walls with the lighter colours of the surrounding buildings and the position of the appeal building within a key view identified in the CACA results in the building now appearing as an anomalous feature in the conservation area. Whilst the works do not result in the physical proportions of the street being altered, which is its principal significant feature, the resulting lack of contrast within the building façade does erode the character and appearance of this section of the conservation area which is, at least in part, characterised by the architectural details of buildings being contrasted against a lighter background. Within the context of the conservation area as a whole, the degree of harm is not great. Nevertheless, the works do result in harm to the character and appearance of the conservation area, albeit in terms of the National Planning Policy Framework (the Framework) this amounts to less than substantial harm.
15. The Framework requires that where a proposal would result in less than substantial harm to the significance of a designated heritage asset, the harm must be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

16. Prior to the works being carried out, the brickwork was painted white. The appellant states that the building was painted due to traffic congestion and air pollution on High Skellgate resulting in discolouration of the paintwork and a shabby, unkempt appearance. The appellant contends that this resulted in a poor appearance of the Grade II listed building and affected the setting of the several other Grade II listed buildings located on High Skellgate. Additionally, the appellant considers that the prior appearance of the building was detrimental to the reputation and standing of the Nexus Dental Laboratory Ltd.
17. It is also suggested that using the charcoal colour will have important implications for future students of history and listed Buildings, being illustrative of how architectural features developed over the years and matters such as traffic pollution were addressed.
18. High Skellgate is a main route to the town centre and at the time of my site visit was carrying regular and moderate traffic. I recognise that this is just a snapshot at that time and due to restrictions in respect of the Covid 19 pandemic traffic flows were potentially lower in than normal circumstances. I observed that small queues of traffic formed at the junction, although the phase cycle of the traffic signals was approximately 30 seconds and these queues cleared quickly. However, I accept that, in normal times, during peak periods not all vehicles in the queue may clear the junction during one phase of the signals, which would result in vehicles idling on the street. I saw that whilst there was some discolouration of light coloured render and paintwork on other buildings on the street, this was not severe and there is no evidence that it is directly attributable to particulate deposition from vehicle exhausts, or whether it was simply weathering from other causes.
19. The evidence only contains one, undated, photograph of the building prior to it being painted dark grey. This shows some discolouration of the brickwork at low level, but it is not clear whether this is as a result of particulate deposition from exhaust gases or spray from the carriageway due to the narrow width of the footway outside the building. Nor is there any indication of the time period over which this discolouration occurred or the time since the building was last painted. From the photograph, the upper parts of the building do not appear to be heavily stained. Regardless of the cause, I accept that low level staining such as this would be less visible against the dark grey paintwork. However, this is at the expense of diminishing the ability to understand the building and has had a deleterious effect on its surroundings which includes other designated heritage assets.
20. Ensuring the ongoing maintenance of a listed building and securing its long term optimum use are capable of being public benefits. There is no evidence before me that the building was either at risk of becoming disused or falling into disrepair. Nonetheless, these points do weigh modestly in favour of the works. Although I recognise that public perception of the appellant's business is important to the appellant, this is primarily a private benefit and can be given little weight. I can also give little weight to the suggestion that the chosen colour would illustrate the adaptation of the building to modern traffic pollution as, at a future date, the connection would not necessarily be obvious.
21. The Framework requires that great weight be given to the conservation of designated heritage assets, in this case the listed building itself and the Ripon Conservation Area, irrespective of whether this amounts to substantial harm,

total loss, or less than substantial harm to their significance. I have found that the works cause less than substantial harm to the listed building and the character and appearance of the conservation area. The level of harm is not great, but it is harm nonetheless and must, therefore, be given great weight. The modest public benefit of the proposal does not overcome the harm that has been caused.

22. I therefore conclude that the works cause harm to the special interest of 22 High Skellgate, which is a Grade II Listed Building, and to the character and appearance of the Ripon Conservation Area. They do not comply with the relevant requirements of Policy HP2 of the Local Plan, which seeks to ensure that conservation areas and the special architectural or historic interest of listed buildings are protected or enhanced.
23. Although the Ripon Neighbourhood Plan is cited in the reason for refusal, there is no reference to a specific policy within it. Whilst the neighbourhood plan contains a section in respect of protecting the environment and heritage, none of the policies in this section directly relate to either listed buildings or conservation areas. I therefore find no conflict with the Neighbourhood Plan.

Conclusion

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

John Dowsett

INSPECTOR