



Appeal Decision

Site visit made on 19 October 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th November 2020

Appeal Ref: APP/E2734/W/20/3256975
Dunorlan, 2 Park Road, Harrogate HG2 9AZ

- 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 Dunorlan Freehold Association Ltd against the decision of Harrogate Borough Council.
 - The application Ref 19/04847/FUL, dated 13 November 2019, was refused by notice dated 10 February 2020.
 - The development proposed is described as removal of existing fire escape and erection of lift structure to higher block in order to aid disabled access. Steel structure to be visible with the north elevation clad in stone and the east and west elevations glazed. Refuge area to be incorporated on the upper floors in the form of a glazed balcony.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 4 March 2020 the Council adopted the Harrogate District Local Plan 2014-2035 (HDLP). As a result, the saved policies cited in the Council's Decision Notice of the 10 February 2020 have been superseded. The main parties have had the opportunity to comment and so I am satisfied that no prejudice has been caused.

Main Issues

3. The main issues are i) the effect of the proposal on the living conditions of the occupiers of neighbouring properties with particular regard to privacy and ii) the effect of the proposal on the character and appearance of the host building which is a non-designated heritage asset including whether or not the proposal would preserve or enhance the character or appearance of the Harrogate Conservation Area.

Reasons

Site and proposal

4. The appeal property is a substantial Victorian building located on the edge of 'The Oval' within the Harrogate Conservation Area (HCA). This part of the HCA is known as the West End Park Estate and is described in the Harrogate Conservation Area Character Appraisal 2010 (CAA) as a very attractive development dating from 1867 onwards and located on the site of the former

Brunswick Station. The surrounding area is characterised by grand buildings overlooking a central area of leafy open space.

5. The appeal building is an imposing building with interesting architectural detailing. It is identified within the CAA as a building of local interest and merit and as such makes a positive contribution to the character and appearance of the HCA. It sits in a large rectangular shaped plot on the corner of Park Road and The Oval and is divided into eight apartments set within three storey and four storey blocks. There is a gravelled parking area to the front which wraps around to the rear of the building where there are several smaller mews style houses which line the outer edge of the property boundary.
6. The proposal would see the removal of a cast iron external staircase to the rear of the property and its replacement with a full height extension. The extension would accommodate a lift, internal balconies and new entrances to the first and second floor apartments. At ground floor there would be a plant room and access to the proposed lift. The extension would project around 3.5 metres from the principal rear elevation and would have a solid stone clad rear elevation with glazed side panels.

Living conditions

7. The proposed extension would be positioned within approximately 10 metres of the gardens of the mews houses that sit directly to the north of the appeal building. As such, due to its proximity and the glazed western elevation of the proposed extension, users of the internal balconies would have uninterrupted views into the private amenity space of the adjacent gardens and elevated views towards the windows of the properties opposite.
8. I accept that the existing fire escape may have been used as an outdoor sitting area for existing occupiers during fine weather and therefore, to a certain extent there is an existing situation where the gardens and windows of those properties are overlooked. Nonetheless, the proposal would introduce a situation whereby occupiers of the apartments would have an internal balcony that could be used all year round, in all weathers and at any time of the day. This would lead to an unacceptable intensification of the current situation resulting in a significantly detrimental effect on the living conditions of the occupiers of neighbouring properties in regard to privacy.
9. In this regard, the proposal fails to accord with the requirements of Policy HP4 of the HDLP which requires development proposals to be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours.

Character and appearance

10. The glazed elevations, modern style balconies and flat roof would afford the proposed extension with a very contemporary feel. This would be in stark contrast to the existing building and in particular the attractive stone detailing and pitched slate roofs that are prevalent on the building and on those surrounding it. I accept that the proposed extension would utilise the existing openings at first and second floor level thus minimising disturbance to the stone façade in this regard.
11. However, the introduction of a very crisp, contemporary extension in a prominent position where it would interrupt two bands of stone detailing and

detract from the full height bay windows on the western elevation, would harmfully diminish the architectural integrity of the building, appearing as an unbalanced, discordant feature that would detrimentally alter the character and appearance of the host building.

12. It would follow that the harm I have identified in relation to the character and appearance of the host building, a non-designated heritage asset, would result in the proposal failing to preserve or enhance the character or appearance of the HCA.
13. In terms of the National Planning Policy Framework (the Framework), the harm to the CA would be 'less than substantial' as it would only affect its immediate surroundings. Nevertheless, it is incumbent upon me to give considerable importance and weight to such harm. The Framework advises that this harm must be weighed against the public benefits of the proposal. I do not doubt that the proposed balconies and entrances would improve the enjoyment of the property but these are private benefits and therefore do not weigh in favour against the less than substantial harm I have identified.
14. Notwithstanding the above, I have carefully considered the appellant's submission regarding the need for improved access for disabled users and in particular the difficulty some visitors have had in accessing the upper apartments.
15. In weighing the need for improved access for disabled users in the balance, it must be considered against the very significant effect that the proposal would have upon the living conditions of the adjoining neighbours and the identified harm that would be caused to the character and appearance of the host property, a non-designated heritage asset, and the HCA. Furthermore, I note that there is a planning permission in place that would provide an extension that would house a lift albeit of a different design.
16. I have had due regard to the Public Sector Equality Duty contained in section 149 of the Equality Act 2010, which sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. I have also had regard to rights conveyed within the Human Rights Act.
17. In respect of the above, and in the context that there is an alternative scheme with planning approval that would afford disabled users with access to the appeal building, a refusal of planning permission is a proportionate and necessary approach to the legitimate aim of ensuring that the existing and future living conditions of the occupiers of the neighbouring property can be reasonably safeguarded and that harm to the host property and HCA is avoided.
18. Consequently, I conclude that these are not matters which outweigh the harm that would be caused by the proposal in respect of my aforementioned main issues. The proposal therefore conflicts with the requirements of Policies HP2 and HP3 of the HDLP and the Framework, which collectively seek to protect, preserve and enhance local distinctiveness and heritage assets such as the HCA.

Other Matters

19. I have had regard to the appellant's submission in relation to other extensions in the surrounding area. I have limited information on these developments or the circumstances under which they were granted planning permission. However, I note that whilst the materials and use may be similar to the development proposed by this appeal the site situations are not comparable. From what I was able to see during my site visit there was not the same proximity between the private amenity space of the neighbouring occupiers and the developments and therefore it is unlikely there would be the same privacy concerns. Nonetheless, I must determine this appeal on its own individual merits and the presence of other similar proposals does not alter my findings on the main issues.

Conclusion

20. For the reasons outlined above and taking into account all other matters raised, I conclude the appeal should be dismissed.

J Hunter

INSPECTOR