



Appeal Decision

Site visit made on 31 August 2021

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 September 2021

Appeal Ref: APP/E2734/D/21/3279489

North Riding House, Bridge Street, Boroughbridge YO51 9LA

- 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 Julian Crossley against the decision of Harrogate Borough Council.
 - The application Ref 21/01310/FUL, dated 26 March 2021, was refused by notice dated 7 June 2021.
 - The development proposed is formation of balcony to rear.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. On 20 July 2021, the Government published a revised National Planning Policy Framework (the Framework). Other than a change to the relevant paragraph numbers, the revised Framework does not materially alter the national policy approach in respect of the main issues raised in this appeal and therefore the main parties have not been prejudiced by its publication.

Main Issues

3. The main issues are the effect of the development on i) the character or appearance of the Boroughbridge Conservation Area; ii) the setting of listed buildings in the vicinity; and iii) the living conditions of neighbouring occupiers, with particular regard to privacy, outlook and noise.

Reasons

Boroughbridge Conservation Area (BCA)

4. The appeal site lies within the historic core of the BCA, which from the information before me, derives some of its significance from a rich heritage of streets with a compact arrangement of two and three storey buildings of simple vernacular form and detailing. I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character or appearance of the BCA.
5. The appeal property comprises a two storey dwelling set at the back of the pavement on Bridge Street. It currently has a simple traditional form and appearance, and is identified in the Boroughbridge Conservation Area Character Appraisal (2008) as a building of local interest. Accordingly, it makes a positive contribution to the essential character and significance of the BCA.

6. The proposed rear wrap-around balcony and its substantial supporting columns would be a large and intrusive addition that would dominate the rear elevations of the appeal property. Its siting, form and design, together with the likely addition of items associated with its domestic use, would harmfully jar with the simple vernacular character of the building. These harmful effects would not be mitigated by the use of glass balustrading and cedar cladding to the columns.
7. The balcony would only be visible from the rear courtyard and surrounding buildings. Nonetheless, these views also contribute to the character and appearance of the BCA and are therefore important. Irrespective, the requirement for development proposals to preserve or enhance the character or appearance of the BCA applies with equal force whether or not the proposal is prominent, or in public view.
8. There is a functional fire escape at the rear of the adjoining Riverside Court Care Home, but it is not reflective of the distinctive character of the BCA and does not contribute positively to the area. As such, its presence is not a reason in and of itself to allow further harmful development. My attention has also been drawn to other developments in the vicinity that were permitted by the Council, including balconies. However, the full details of those schemes are not before me. Nor were these balconies visible from the appeal site. Therefore, I cannot be certain that they are directly comparable to the proposal before me. In any event, rather than relying on the approach the Council may have taken elsewhere, I have necessarily considered the appeal on its own merits and found that it would be harmful for its own specific reasons.
9. I therefore find that there would be unacceptable harm caused to the character and appearance of the host building and its surroundings. Accordingly, the proposal would fail to preserve or enhance the character or appearance of the BCA contrary to statutory expectations and the Framework. The proposal would also conflict with Policy HP2 of the Harrogate District Local Plan (2020) (LP), in so far as it seeks to ensure proposals for development protect or enhance the elements which contribute to the character and special architectural or historic interest of a conservation area. There is also conflict with LP Policies HP3 and HS8, which among other things, require new development to protect local distinctiveness, and to ensure that extensions do not have an adverse impact on the character or appearance of the dwelling and surrounding area.

Listed buildings

10. The appeal property is attached to Riverside Court, a larger three-storey, grade II listed building and identified local landmark. The significance/special interest of the listed building, in so far as it relates to this appeal, is drawn from the historic and aesthetic value of its external fabric. As the proposal would undoubtedly fall within the setting of this listed building, I have a statutory duty to have special regard to the desirability of preserving the listed building or its setting.
11. The proposal would detract from the character and appearance of the appeal building and the BCA, and this townscape contributes to the setting in which the adjoining listed building is clearly experienced. Whilst the rear elevation of the listed building is not as architecturally significant as the front and side elevations, and contains some modern alterations, the introduction of this large and intrusive balcony feature would make a negative contribution within the immediate setting of the building and to the manner in which it is experienced.

12. I therefore find that the proposal would result in harm to the setting and significance of Riverside Court, a grade II listed building. Accordingly, the proposal would fail to preserve the setting of this listed building contrary to statutory expectations and the Framework. The proposal would also conflict with LP Policy HP2 in so far as it seeks to protect the setting of a heritage asset.

Overall heritage balance

13. The proposal would have harmful implications for the BCA and the setting of Riverside Court, a grade II listed building. Consequently, the proposal would not conserve these designated heritage assets in a manner appropriate to their significance. The harms would be less than substantial within the meaning of the Framework, but that is nevertheless a matter of considerable importance and weight. Paragraph 202 of the Framework requires such harm to be weighed against the public benefits of the proposal.
14. In terms of the countervailing benefits that have been advanced, there would be improvements to the quality and safety of the outdoor space for the appellant's children, and better demarcation of a parking space at the rear of the house. However, in this case those benefits arising would be private rather than public in nature.
15. In accordance with paragraph 199 of the Framework, great weight should be given to a designated heritage asset's conservation. In this context, the benefits identified do not outweigh the harm.

Living conditions

16. The proposed balcony at first floor level would introduce an elevated and projecting vantage point, which would afford its users a closer and more open view into some of the closest windows within the gable end of the rear projection to the Riverside Court Care Home, particularly at ground and first floor level. These windows appear to serve habitable rooms. The users of the balcony would also be more evident from those windows compared to the existing use of the yard at ground level. Consequently, there would be intrusion and loss of privacy to some occupiers of the care home in this regard.
17. Although the balcony would also be in close proximity to an upper floor habitable window of The Handsel, the angle of view is so acute that there would not likely be any loss of privacy or intrusion to that neighbour. Furthermore, I do not share the Council's concerns in relation to any noise and overbearing effects as these are unlikely to be significant compared to the existing use of the yard, and given the siting and structural nature of the development proposed.
18. I therefore conclude, on this issue, that the development would cause unacceptable harm to the living conditions of some occupiers of Riverside Court Care Home through loss of privacy. As such, the proposal conflicts with LP Policies HP4 and HP8, which seek to protect the amenity of neighbouring occupiers by, among other things, preventing adverse impacts from overlooking and loss of privacy.

Other Matters

19. I have noted the concerns raised over potential obstruction of access for vehicles using the rear courtyard, particularly in respect of the need for the Environment Agency to be able to access its Pumping Station. The objection from the Environment Agency appears to have been received after the Council issued its decision, so the matter was not addressed in the Council's officer report. Based on my observations, and given the importance of the Environment Agency asset, there appears to be some merit to these concerns. However, as I intend to dismiss the appeal on other substantive grounds, it is not necessary to explore this matter any further as it would not alter the outcome of the appeal.

Conclusion

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

A Caines

INSPECTOR