

## Appeal Decision

Site Visit made on 13 September 2021 by Hilary Senior BA (Hons) MCD MRTPI

**Decision by R C Kirby BA(Hons) DipTP MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 1 November 2021**

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**Appeal Ref: APP/E2734/W/21/3276543**

**Flat 3, 7 Park View, Harrogate, HG1 5LY**

- 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 Tom Sterne against the decision of Harrogate Borough Council.
  - The application Ref 20/03937/FUL, dated 9 October 2020, was refused by notice dated 22 December 2020.
  - The development proposed is described as "Flat 3 is on the top 2 levels of this building, a bedroom and a bathroom occupy the roof space, natural light is provided by roof lights. We propose a bi-fold door to the bedroom and a balcony on the rear elevation, no neighbouring amenities are compromised."
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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.

### Preliminary Matters

3. The appellant submitted amended plans with the appeal statement. These plans include creating an inverted dormer, using the roof form as balcony. I understand they were originally submitted to the Council for consideration but nevertheless the application was determined using the original plans.
4. Notwithstanding that, in deciding whether to accept these revised plans, I have given consideration to the 'Wheatcroft Principles' (Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]) and whether any prejudice would occur. Third parties have not had an opportunity to comment upon the amended scheme and, for that reason, I consider that they would be prejudiced if I assessed this appeal on the basis of the amended plans. Accordingly, this appeal has been assessed on the basis of the plans upon which the Council took its decision.
5. The Government published on 20 July 2021 a revised version of the National Planning Policy Framework (the Framework). Accordingly, and in light of the reference made to the previous iteration of the Framework within the submitted evidence, the parties have been provided with a further opportunity to make submissions in respect of the publication. Neither the appellant nor the Council have made any further submissions regarding the revised Framework. However, in light of this re-consultation, I am satisfied that any references

made to the revised Framework within this decision would not be unreasonable to the parties.

### **Main Issue**

6. The main issue is the effect of the proposal on the host property, the local area and the Harrogate Conservation Area (CA).

### **Reasons for the Recommendation**

7. The host property is a three storey end terrace that has been converted to use as flats. It is located within the Harrogate Conservation Area within Character Area B which is characterised by continuous terraces of two or three storey dwellings with a consistency of design. The Council consider the building to be a non-designated heritage asset.
8. Whilst there are a small number of roof lights on the terrace, including at the appeal property, the simple form of the roof remains, a characteristic, along with the materials of it which are identified characteristics of the CA.
9. The introduction of a high level balcony with a large expanse of glazing and glazing around the new balcony would interrupt this regular rhythm to the roofscape and result in an intrusive, alien addition which would be harmful to the character and appearance of the host property and the terrace of which it forms part.
10. As a consequence, the proposal would significantly erode the contribution that the appeal property makes to the character and appearance of the CA and its significance as a designated heritage asset. The proposal would neither preserve nor enhance the character or appearance of the CA in conflict with the statutory test set out in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.
11. The appellant has drawn my attention to an example of an inverted balcony in the local area and other examples of dormers. No details of the planning history of these properties have been provided and I cannot therefore conclude that they are directly comparable to the scheme before me. In any event I have determined the appeal on the site-specific circumstances of this case.
12. It is accepted that the proposed balcony would not be viewed from extensive viewpoints, and as a consequence I find that in terms of the Framework the harm caused to the CA's significance as a designated heritage asset would be less than substantial. The approach in paragraph 202 of the Framework is that where a proposal leads to less than substantial harm to the significance of a designated heritage asset, that the harm should be weighed against the public benefits of the proposal. In this case no public benefits have been put forward and accordingly the development conflicts with the aims of the Framework to conserve and enhance the historic environment.
13. For the above reasons, I conclude that the proposal would be harmful to the character and appearance of the host property, the local area and the CA, in conflict with Policies HP2 and HP3 of the Harrogate District Local Plan (2020). Amongst other things, these seek to ensure that development takes account of local distinctiveness and protects the character or appearance of Conservation Areas.

### **Conclusion and Recommendation**

14. The proposed development conflicts with the development plan as a whole and there are no other considerations, including the Framework, that outweigh this conflict. I therefore recommend that the appeal is dismissed.

*Hilary Senior*

APPEAL PLANNING OFFICER

### **Inspector's Decision**

15. 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.

*RC Kirby*

INSPECTOR