
Appeal Decision

Site visit made on 20 December 2021

by J Symmons, BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 7 January 2022

Appeal Ref: APP/E2734/D/21/3282964

4 Mill Lane, Burton Leonard, Harrogate, North Yorkshire HG3 3SH

- 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 Mrs Dawn Petfield against the decision of Harrogate Borough Council.
 - The application Ref 21/01/01784/FUL, dated 25 April 2021, was refused by notice dated 23 August 2021.
 - The development proposed is replace existing Velux windows with full length dormer window to existing dormer bedrooms.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host building and to the Burton Leonard Conservation Area (BLCA).

Reasons

3. The proposal is in Burton Leonard within BLCA. The BLCA is characterised by a mix of semi-detached and detached properties constructed in a variety of material, including stone, brick and render. Roof constructions also vary, with typically slate and red pantiles used. Dormer windows are almost completely absent, most roofs being plain pitches. Quite a number of properties have rooflights and the majority of these are Velux type which are flush to the roof pitch.
4. The host property is a semi-detached bungalow with a pitched red pantile roof that has Velux type windows to the front and rear. It is typically in keeping with the surrounding area.
5. The proposal would replace the rear roof windows with a near full length dormer which would face Wigby Close. The dormer would be set back from the rear elevation and have a flat roof. The proposal would not be visible from Mill Lane but would be seen from Wigby Close.
6. Harrogate District Local Plan 2014 – 2035 (Local Plan), adopted in March 2020, aims to ensure development is determined in accordance with national planning policy. Policy HP2 seeks, amongst other matters, to ensure 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.

7. Furthermore, Policy HP3 aims to ensure, amongst other matters, development incorporates high quality building design that protects, enhances or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments.
8. To support these policies, the Council's House Extensions and Garages Design Guide 2005 provides supplementary design guidance and part of this covers the use of dormer windows. This guide seeks to limit the inclusion and extent of dormers to preserve the character of the area and recommends that where dormers are considered acceptable, they should not dominate the roof.
9. The proposal would affect a large part of the host property's roof and create a dominating feature which would be highly visible from the immediate surroundings, Wigby Close. Its inclusion would not be in keeping with the character of the area and it would not positively contribute to preserving or enhancing the BLCA. It would also not add to the local distinctiveness of the district's rural and urban environments. On this basis the proposal would harm the character and appearance of the host property, the area and the BLCA.
10. As the proposal lies within a conservation area, Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of the Conservation Area. The proposal would not make a positive contribution to the character and appearance of the designated heritage asset and the harm this proposal would have to the significance of BLCA would be 'less than substantial'. Paragraph 199 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of a designated heritage asset such as BLCA, great weight should be given to the asset's conservation.
11. In accordance with paragraph 202 of the Framework, the public benefit must be balanced against any harm found. The proposal would be expected to improve the property's available living space, which would be a private benefit for the appellant. Consequently, there would be almost no public benefit to outweigh the harm found to BLCA.
12. In conclusion, the proposal would harm rather than preserve or enhance the character and appearance of BLCA. This would conflict with Policies HP2 and HP3 of the Local Plan which, amongst other matters, seek to protect, enhance or reinforce those characteristics, qualities and features that contribute to the local distinctiveness.
13. I note that the appellant acknowledges that the host property is in the BLCA but argues that it is a non-descript 1960's red brick bungalow of no architectural merit and that the dormer would be sited on its rear roof. Furthermore, they advise that dormer windows are commonly allowed within the Harrogate District under permitted development rights. Although these points are noted, no detailed justification of how these factors are relevant or would mitigate the harm identified have been provided and as such I have given them little weight in coming to my decision.

14. There are no other considerations that indicate the application should be determined other than in accordance with the Local Plan. For the reasons given above, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR