



Appeal Decision

Site visit made on 7 February 2022

by Elizabeth Pleasant BSc(Hons), DipTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 February 2022

Appeal Ref: APP/E2734/F/21/3286292

Land and premises at 1a Park Parade, Harrogate HG1 5AE

- The appeal is made under section 39 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
- The appeal is made by Mr John Dixon against a listed building enforcement notice issued by Harrogate Borough Council.
- The enforcement notice was issued on 28 September 2021.
- The contravention of listed building control alleged in the notice is:
 - i) Removal of original white painted 4 panelled wood door (with moulded detailing to match no.2 Park Parade) and replacement with a black painted 8 panelled wooden door.
 - ii) The external stone work has been re-pointed using either a cement mortar or mixed cement/lime mortar and is causing additional damage to the stone.
- The requirements of the notice are:
 - i) Take down and remove from the property the black 8 panelled front door and replace with a hardwood 4 panelled door with moulding details to match no.2 Park Parade as per Appendix 1 to this notice.
 - ii) Install a four panelled solid hardwood door with the following features:
 - a. Two top panels to be elongated with curve to top of the panel
 - b. Two square bottom panels.
 - c. Central seam running vertically from top to bottom.
 - d. Recessed panels with raised bolelection mouldings
 - e. Round brass door knob with moulding details.
 - f. The door shall be undercoated with primer and then painted in white gloss using linseed oil paint or water borne acrylic paint.
 - iii) The cement and mixed cement/lime mortar to the stone work must be removed and replaced with lime mortar in accordance with the method statement below:
 - a. Mortar mix may be made using lime putty and whiting (Crushed chalk) with a little linseed oil or natural hydraulic lime at a strength of NHL2. The mortar must be mixed with fine sand or stone dust as an aggregate and the particle size should be no larger than one third of the minimum joint width. An acceptable mix is 1 part lime to 2.5 sand.
 - b. Cement and mixed cement /lime mortar in the joints shall be raked out manually using hooked tools or masonry chisels. The raking must be square to depth of not less than 15mm, to give an effective key. Extra care shall be taken where the mortar has overlapped the edge of the stone. On no account shall angle grinders or other power tools be used.
 - c. After removal of existing mortar, joints shall be thoroughly brushed out, cleaned and rinsed so that no loose dry material is left. The masonry must be thoroughly dampened before filling with new lime mortar.
 - d. Repointing must be carried out from the top of the wall downwards. In filling the joints the mortar shall be pressed firmly into the joint using a pointing iron to ensure maximum compaction and bond to the original bed. It must be kept well within the confines of the joint and never allowed to spread over the face of the stone. Any mortar that is smeared on the masonry should be sponged off with clean water before it has dried. For ashlar stone a plastic faced adhesive tape

- with an incision can be applied over the joint to prevent mortar from smearing during pointing.
 - e. Following the initial soft set (semi-hard leathery consistency which can be marked with a thumbnail but leaves hardly any impression when a thumb is pressed into the surface), the excess mortar should be removed and is then either stippled or brushed to aid setting.
 - f. Once the repointing is underway it must be protected from wind rain and strong sunlight to avoid damage or rapid drying. Surfaces must be protected with ventilated covers such as hessian.
 - The period for compliance with the requirements is 6 months.
 - The appeal is made on the grounds set out in section 39(1) (e) and (h) of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.
-

Decision

1. It is directed that the listed building enforcement notice be corrected by inserting the words 'Nos.1 and' after the word 'at' in paragraph 2 and varied by deleting the number '6' in paragraph 6 and substituting it with '8'.
2. Subject to this correction and variations, the appeal is dismissed and the listed building enforcement notice is upheld, and listed building consent is refused for the retention of the works carried out in contravention of section 9 of the Planning (Listed Buildings and Conservation Areas) Act 1990 as amended.

Preliminary Matters

3. The enforcement notice states in paragraph 2 that the land affected is "Land and premises situate and known as Land at 1a Park Parade, Harrogate HG1 5AE as shown edged red on the attached plan." However, the property identified by the red line has been sub-divided into two separate dwellings, known as 1a and 1 Park Parade. No 1 Park Parade is a single dwelling which occupies the two upper floors of the building and is accessed via the front door. No 1a Park Parade is a separate dwelling contained at ground level and accessed through an entrance door on the side elevation. Considering the plan attached to the notice and description of the works and requirements within it, the appellant does not allege that the notice is ambiguous in any way. However, in the interests of precision I shall correct the notice to include No 1 Park Parade in the address. I am satisfied that this correction would not result in any injustice to either party.
4. The appellant accepts that the building has been repointed using either a cement-based or a mixture of lime and cement. He acknowledges that this mortar mix is not appropriate for this traditional building and does not challenge the notice in respect of its requirements in relation to these unauthorised works. The appeal on ground (e) therefore relates solely to the replacement front door, and I have dealt with it on that basis.

The Appeal Site

5. The appeal site is a Grade II listed house which dates from the mid-late nineteenth century. The property forms one half of a pair of Victorian Villas which occupy a prominent position overlooking the Stray and within Harrogate Conservation Area (HCA).
6. Based on the evidence before me, and my observations on my site visit, the significance of the building as a heritage asset is mainly derived from its fine architectural detailing. Such details include dominant chimney stacks,

traditional joinery, recessed entrance bay with balustrade balconies, attractive stone cornices, pilasters and bay windows. Although I did not enter the property, I understand that the interior also retains some of its original design elements. Furthermore, the symmetry of the Villa pair makes an important contribution to the significance of the building.

7. The appeal site is also located within HCA. It occupies a prominent position fronting onto the Stray. The significant number of listed buildings along Park Parade, each different in their scale and design, make an attractive and picturesque assemblage which contributes to the character and appearance of High Harrogate within HCA.

Appeal on ground (e)

8. Section 16(2) of the Planning (Listed Buildings and Conservation Areas) Act, 1990 as amended (the Act) requires special regard to be had to the desirability of preserving the listed building or its setting or any features of special architectural interest which it possesses. Section 72(1) of the Act requires special attention to be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.
9. The new front door replaced the property's original four panelled door which mirrored the front door of the adjoining semi, No 2 Park Parade. The original front door had a simple and robust design. The design included decorative bolection mouldings to frame the recessed panels, and the top two panels of the door were elongated with curved tops. The traditional original painted joinery of the door contributed to the symmetry of the Villa pair and to the heritage significance of the building.
10. I appreciate that the door that has been installed is a bespoke hardwood door. However, it lacks the fine joinery details of the original design and has a stark and harsh appearance. Furthermore, the raised panels, including their number and arrangement do not reflect the character of the building and the replacement door detracts from the Villa pair's original design symmetry. Consequently, it fails to preserve the architectural and historic interest of the listed building and does not preserve or enhance the character or appearance of HCA.
11. I appreciate that the original door has been lost. However, the replica door required by the notice would preserve the character of the building. For the reasons set out above, that is not the case with the unauthorised door which is harmful to its special character. Painting the door white would not mitigate that harm.
12. The harm I have identified is less than substantial to the significance of the heritage assets. This harm is not outweighed by any public benefits. The development is therefore contrary to paragraph 202 of the National Planning Policy Framework and the design and heritage aims of Policies HP2 and HP3 of Harrogate District Local Plan, adopted 2020. I also find conflict with Harrogate District Heritage Management Guidance, Supplementary Planning Document, 2014 which advises that timber doors in historic buildings should be retained or replaced on a like for like basis when in a state that is beyond repair.
13. For the reasons set out above, the appeal on ground (e) fails and listed building consent is refused for this alteration.

Appeal on ground (h)

14. The issue is whether the compliance period of six months is reasonable. The appellant suggests that a period of 12 months would be more reasonable as the works require the services of experienced and specialist contractors. In addition, it is necessary for the repointing works to be carried out in the warmer months.
15. I agree with the Council that six months is sufficient time to replace the door. However, the repointing works are more reliant on sourcing good contractors and good weather. However, I am also mindful of the harm that the existing pointing is causing to the stone work. The conclusion that I have come to is that a period of 8 months would be a more reasonable time period for compliance, given the circumstances of this case. To this limited extent the appeal on ground (h) succeeds.

Conclusion

16. For the reasons given above, I conclude that the appeal shall not succeed. I shall uphold the enforcement notice with a correction and variation.

Elizabeth Pleasant

INSPECTOR