



Appeal Decision

Site visit made on 5 May 2022

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 20 June 2022

Appeal Ref: APP/E2734/W/22/3290081

Stray View, Flat 3, 6 Leeds Road, Harrogate HG2 8AA

- 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 Matt Water against the decision of Harrogate Borough Council.
 - The application Ref: 21/04341/FUL, dated 2 October 2021, was refused by notice dated 20 December 2021.
 - The development proposed is flat roof to balcony conversion.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appellant's surname is stated in the application form and decision notice as Matt Water, but stated in the planning appeal form as Mr Matt Waters. I have taken this to be a spelling error and used the name as stated in the application form and decision notice in the heading above.
3. The planning appeal form states that the reason for the appeal is 'Failed to give notice of its decision within the appropriate period (usually 8 weeks) on application for permission or approval'. However, whilst it exceeded the 8 week period, a decision notice refusing planning permission for the proposed development was issued by the Council on 20 December 2021, prior to the submission of the appeal on 4 January 2022. Consequently, in determining the appeal, I have had regard to the Council's decision notice and reasons for refusal in forming the main issues below. I am satisfied that no party's interests have been prejudiced by this approach.
4. Stray View, 6 Leeds Road, has been identified as being of Local Interest and Merit¹, that is, a non-designated heritage asset (NDHA)². Whilst the perceived effects of the proposal on the character and appearance of Stray View are cited in the Council's delegated report and first reason for refusal, any effects on the significance of Stray View as a NDHA are not explicitly considered. As this matter is of relevance to the determination of the appeal, the main parties were offered the opportunity to submit comments and I have taken those received into account.
5. The appeal site is located within the wider surroundings of two Grade II listed buildings, Trinity Methodist Church and 17 Park Drive. Mindful of the statutory

¹ Page 72, Harrogate Conservation Area Character Appraisal, 2010.

² National Planning Policy Framework, Paragraph 203; and National Planning Practice Guidance, Paragraph: 039 Reference ID: 18a-039-20190723.

duty set out in s66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act), I have had special regard to the desirability of preserving their settings. The historic built backdrop and verdant surroundings of these buildings positively contribute to their significance. Nevertheless, given its location and extent, I consider that the proposed development would not harm and would therefore preserve the settings of these listed buildings and the contribution they make to their significance. I note the Council had no concerns in this regard either. As such, I have not considered this matter further.

Main Issues

6. The main issues are: i) The effect of the proposed development on the significance of Stray View as a non-designated heritage asset and whether it would preserve or enhance the character or appearance of the Harrogate Conservation Area; and ii) The effect of the proposed development on the living conditions of occupants of neighbouring properties, with regard to privacy, outlook and noise and disturbance.

Reasons

Stray View and the Harrogate Conservation Area

7. Stray View is a large, detached, stone and slate, Victorian villa which has been subdivided into flats. The building fronts a main route on the outskirts of Harrogate town centre, overlooking an expansive grassed and tree lined space known as 'the Stray'. Along with other similarly aged villas nearby, Stray View is a NDHA of local interest and merit and is sited within the Harrogate Conservation Area (the HCA).
8. The submitted evidence provides no defined, selective criteria as to the building's historic, architectural or artistic significance. Nonetheless, from the information before me, I consider that its significance as a NDHA is largely derived from it being a fine example of grand Victorian domestic architecture, to which its surviving historic fabric, pleasing architectural composition, fine detailing and use of traditional materials all positively contribute.
9. The HCA encompasses a wide area taking in central Harrogate and its immediate surroundings, the majority of which dates from the mid-19th century onwards. The HCA's special interest and significance, in part, stem from its social and cultural identity as a distinguished spa town, along with the architectural richness and quality of its historic buildings, which possess a general unity in terms of scale and materials. As a whole, the HCA possesses a distinctive townscape and a strong sense of place.
10. Stray View is located within 'Character Area G: The West End Park estate' of the HCA, that comprises a very attractive development which began from about 1867 onwards³, with the most impressive houses of the estate facing the Stray. The HCA's Character Appraisal confirms that Harrogate's NDHAs 'play an important role in constructing the 'image' of Harrogate'⁴. Stray View, as an important built component of the HCA's townscape, reinforces the positive attributes of the HCA as a whole and, as such, contributes to its significance as a designated heritage asset.

³ Paragraph 14.1, Harrogate Conservation Area Character Appraisal, 2010.

⁴ Paragraph 6.11, Harrogate Conservation Area Character Appraisal, 2010.

11. Given the status of Stray View as a NDHA and the appeal site's location within the HCA, in determining the appeal I have undertaken a balanced judgement having regard to the scale of any harm or loss and the significance of Stray View⁵; and paid special attention to the desirability of preserving or enhancing the character or appearance of the HCA⁶.
12. The insertion of a doorway in the location proposed would result in the irreversible loss of historic fabric, namely a painted timber, sliding sash, window with patterned glass, as well as a stone cill and the coursed stone below. It would also weaken the legibility of the building's historic plan form.
13. The balcony area would be fairly modest in size, not extending beyond the historic footprint of the building, and on a less prominent side elevation. Additionally, the design and materials of the proposed door, balcony floor and balustrade would be minimalist and contemporary. Nevertheless, the uncharacteristic siting of a balcony of this design, in this location and on a building of this age and style, would undermine the historic form of Stray View and detract from its architectural composition. The structure's discordance on the building would be compounded by the activity generated by its use as an outdoor amenity space.
14. Overall, the proposed development would be harmful to the historic and architectural merit and thus the significance of Stray View as a NDHA. Whilst it would not be visible in certain views of Stray View or in vistas from the Stray, the structure and its use, along with the resultant harmful effects, would be readily conspicuous in views from adjacent public routes when travelling south along Leeds Road.
15. If the heritage values of a locally important building in the townscape, such as Stray View, are adversely diminished, it reasonably follows that there would be some incremental harm to the character and appearance and thus the significance of the HCA. The magnitude of this harm would be modest and certainly 'less than substantial'⁷. Nevertheless, in the context of the HCA as a whole, it would fail to preserve or enhance its identified character and appearance. I give this harm considerable importance and weight.
16. In finding less than substantial harm to the significance of the HCA as a designated heritage asset, this needs to be balanced against the public benefits of the proposal. The proposed balcony would provide a small area of outdoor amenity space, which would principally be of private benefit to the appellant. There would be some economic gains that would flow from its construction which would constitute benefits to the public at large. However, given the limited scale of the development proposed, they would not be sufficient to outweigh the identified harm to the significance of the HCA.
17. Accordingly, I conclude that the proposed development would have a harmful effect on the significance of Stray View as a NDHA and would not preserve the character and appearance of the HCA. In these respects, it would fail to meet the requirements of s72(1) of the Act and the provisions within the National Planning Policy Framework (the Framework) which seek to conserve and enhance the historic environment. It would also conflict with Policies HP2 and

⁵ Paragraph 203 of the National Planning Policy Framework.

⁶ Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990.

⁷ Paragraph 202 of the National Planning Policy Framework.

HP3 of the Harrogate District Local Plan 2014-2035, adopted 2020 (the HDLP) which together require that proposals affecting a heritage asset (designated or non-designated) protect or enhance those features which contribute to its special interest; and be of a high quality design that protects, enhances or reinforces those characteristics, qualities and features that contribute to local distinctiveness.

Living conditions of occupants of neighbouring properties

18. Residential properties and their outdoor amenity spaces are located adjacent to where the proposed balcony would be sited.
19. The elevated position and open form of the proposed balcony in such close proximity to the neighbouring dwellings would be highly likely to give rise to increased levels of perceived and actual overlooking into adjacent rooms and the gardens of these properties. Moreover, it would be probable that these factors when combined with the activity that would be generated by the proposed balcony's use, would cause it to appear overbearing when viewed from these neighbouring spaces and bring about an increased level of noise and disturbance.
20. This would result in a reduction in the privacy, outlook and levels of peace and quiet currently experienced by the occupants of these neighbouring properties. These effects would materially harm their living conditions and severely diminish the use and enjoyment of the properties as their homes.
21. Whilst there are existing windows on this side elevation of Stray View which permit some overlooking into the adjacent properties and gardens, these views are limited in their range and are not comparable to the wider views which the balcony would permit. As such, their presence does not justify the proposed development.
22. I note the appellant's declaration that the proposed balcony would only be used a few times a year. Nonetheless, there is no guarantee that this would be the case. I have considered whether the imposition of an appropriately worded condition could address this matter, but concluded that such a condition would neither be reasonable nor easily enforceable. As such, it would not meet the six tests set out in Paragraph 56 of the Framework.
23. Drawing the above together, I conclude that the proposed development would have a harmful effect on the living conditions of occupants of neighbouring properties, with regard to privacy, outlook and noise and disturbance. In these respects it would conflict with Policies HP4 and HS8 of the HDLP and guidance within the Council's House Extensions and Garages Design Guide Supplementary Planning Document 2005, in so far as they seek to protect the amenity of neighbours.

Conclusion

24. The proposal conflicts with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR