



Appeal Decision

Site visit made on 18 July 2022

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2022

Appeal Ref: APP/E2734/W/22/3297077

16 James Street, Harrogate HG1 1RE

- 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 SJM Cotech Ltd against the decision of Harrogate Borough Council.
 - The application Ref 21/01739/FUL, dated 21 April 2021, was refused by notice dated 8 February 2022.
 - The development proposed is alterations and extensions including part demolition of rear additions to form 4No upper floor studio apartments, shop unit to rear and new shop frontage including secure bin and cycle storage.
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Decision

1. The appeal is allowed. Planning permission is granted for redevelopment of existing ground floor retail unit with storage above (use class E) to form 2 ground floor retail units (class E) and 3 upper floor apartments (Class C3) to include erection of 3 storey rear extension and replacement of shop frontage at 16 James Street, Harrogate HG1 1RE in accordance with the terms of the application Ref 21/01739/FUL, dated 21 April 2021 subject to the conditions set out in the attached schedule.

Procedural Matter

2. The description in the banner heading above is taken from the application form, but this appears to be inaccurate given that it relates to 4no. studio apartments which is not what is shown on the submitted plans.
3. However, a revised description has been detailed on the appeal form, which is broadly similar to that the Council included on their decision notice. I have therefore adopted the description of development from the appeal form, albeit I have omitted wording that is not a description of development which indicates that this is a revised scheme.

Main Issues

4. The first main issue is the effect of the proposal on the significance of 16 James Street as a non-designated heritage asset with particular regard to the removal of the rear historic offshoot and the effect of the proposal on the character and appearance of Harrogate Conservation Area (the Conservation Area). The second main issue is the effect of the proposal on the living conditions of future occupiers with particular regard to the provision for natural daylight and the floor to ceiling height of apartment 2.

Reasons

Non-designated heritage asset & Conservation Area

5. The proposal would include the demolition of the largely historic two and single storey off shoots which sit adjoined to the main rear elevation of the building, extending to Market Place to the north. The street environment to the rear is dominated by the service area of the Victoria Shopping Centre including waste and recycling storage areas.
6. Including what appears to be a more modern flat roof single storey addition, the rear off shoot hosts a boarded-up window facing Market Place, fire escape doors and what appeared to be extensively applied render finish of a rather tatty appearance to ground floor level. Any part of the rear of shot other than its northern end elevation is only experienced in the briefest glimpses from Market Place where the service bay dominates.
7. The rear historic offshoot therefore has very limited significance in terms of any aesthetic qualities. It does however have some historical significance as it offers a glimpse of historic development of commercial premises to the rear of James Street where more modern and bulky development now dominates. In line with the Framework¹ I am required to take this into account having regard to the scale of any harm or loss and the significance of the heritage asset.
8. The appeal site sits within character area 'A' of the Conservation Area², which includes the built-up Town Centre of Harrogate. The significance of this part of the Conservation Area sits largely with the form, scale, materials and detailing of its buildings.
9. However, the rear off shoot makes at best a neutral contribution to the character and appearance of the Conservation Area given its appearance and surrounds.
10. The front part of the building, which would remain, is built in stone and also makes a neutral contribution to the character and appearance of the Conservation Area, being perhaps slightly let down by its shopfront. This does not fully embrace the typical historical shop front design, the large and dominant fascia and the large bay window. However, a more traditional shop front is proposed as part of the proposal.
11. Although modern in design and of some bulk, the extension to the rear of the main body of the building would have a neutral impact on the significance of the Conservation Area, therefore preserving its character and appearance because it would bear similarity to the established buildings to the rear on either side of the appeal site at No.s 10-14 and 18 James Street.
12. To conclude on this matter, the proposal would preserve the character and appearance of the Conservation Area. There would be some harm to the historical significance of the building as a result of the total loss of the rear off shoot, but this would be clearly outweighed by the benefits of the proposal which include visual benefit through the provision of a more appropriate shop front, as well as social and economic benefits as a result of the provision of

¹ National Planning Policy Framework 2021 Paragraph 203.

² Harrogate Conservation Area Character Appraisal December 2010 p18-31.

3no. dwellings which would contribute to housing supply, and a new retail unit onto Market Place to the rear.

13. The proposal would subsequently accord with policies HP2 and HP3 of the Harrogate Local Plan (2020) (HLP) which amongst other things require that development is locally appropriate and that proposals affecting heritage assets at a minimum preserve them. Proposals which would remove, harm, or undermine the significance of a non-designated heritage asset will be permitted only where the benefits are considered sufficient to outweigh the harm.
14. I have not identified direct conflict with The Heritage Management Guidance³, which is a broad ranging document addressing good management of the Historic Environment. Further, there would be no conflict with regard to the requirements of the Framework.

Living conditions

15. Apartments 1 and 3 would respectively be located on the first and second floors within the rear part of the building. They would be provided as studios with a combined main living area providing lounge, dining, bedroom and kitchen accommodation.
16. The bedroom areas of these living spaces would be set partly behind a partition wall within each of these two flats. However, each flat would be served by tall and substantial windows on the northern elevation adjacent to Market Place, which would likely provide adequate levels of daylight to these flats. Some daylight would be likely to penetrate through to the bedroom to the side of the partition wall.
17. Further, I am mindful of the highly built-up Town Centre Location, where it is likely that future occupiers would not necessarily expect the same level of daylight as they may in other more spacious locations.
18. Whilst it would be the case that part of the bedroom on the second floor of apartment 2 which would be spread across the first and second floors would have a reduced ceiling height, this would only be part of a large bedroom which the plans indicate to have a floor area of 65m².
19. The first floor would also incorporate a 71m² area of living accommodation with full height ceilings. The flat would therefore overall be spacious and the area with lower head height has to be balanced against the generous floor space provision. Whilst the window would be small for the size of room, nothing within the evidence suggests that this would have any harmful effect on the living conditions of a future occupier.
20. There would therefore be no significant harm to the living conditions of future occupiers of the flats with regard to the availability of daylight or ceiling height. The proposal would subsequently accord with Policy HP4 of the HLP which amongst other things states that the individual and cumulative impacts of development proposals on amenity will be considered. I have not identified conflict with other HLP policies which have been brought to my attention.

³ Harrogate District Heritage Management Guidance SPD 2014.

Conditions

21. In addition to the standard three-year time limit for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans in the interests of certainty.
22. I have imposed a condition requiring the approval of external materials in the interests of the character and appearance of the area. A condition requiring the installation of the new shop front is necessary for the same reason.
23. A construction management plan is necessary in the interests of highway safety. Details of double glazing is necessary in the interests of the living conditions of future occupiers to protect them from noise arising from the service bay of the Victoria Shopping Centre.
24. A condition relating to waste storage is unnecessary as the waste storage area is shown clearly on the proposed plans at ground floor level.

Conclusion

25. I have identified no conflict with the development plan and there are no material considerations to indicate that the appeal should be determined otherwise than in accordance with it. I therefore conclude that the appeal should be allowed.

T J Burnham

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 2020 23 11, 2020 23 12, 2020 23 20 P7, 2020 23 21 P12 & 2020 23 22 P10.
- 3) No development shall commence until a Construction Management Plan has been submitted to and approved in writing by the Local Planning Authority. Construction of the permitted development must be undertaken in accordance with the approved plan. The Plan must include, but not be limited, to arrangements for the following in respect of each phase of the works:
 - i. Details of any temporary construction access to the site including measures for removal following completion of construction works,
 - ii. Details of the parking of contractors' site operatives and visitor's vehicles; and;
 - iii. Details of areas for storage of plant and materials used in constructing the development clear of the highway.
- 4) No development above ground works (slab level) shall commence until details / samples of the materials to be used in the construction of the external surfaces of the building hereby permitted have been submitted to and

approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details / samples.

5) None of the permitted apartments hereby approved shall be occupied until the new shop front detailed on drawing 2020 23 22 P10 has been installed. The shop front shall thereafter be retained for the lifetime of the development.

6) Prior to its installation, details of the type and specification of double glazing, where it is to be installed, shall be submitted to, and approved in writing, by the Local Planning Authority. Once installed it shall thereafter be retained at the same or superior specification for the lifetime of the development.