



Appeal Decision

Site visit made on 18 October 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2022

Appeal Ref: APP/E2734/W/22/3303650

16 Cheltenham Crescent, Harrogate, North Yorkshire HG1 1DH

- 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 Tony Reynolds (Loca Shading Designs Ltd) against the decision of Harrogate Borough Council.
 - The application Ref 22/00852/FUL, dated 1 March 2022, was refused by notice dated 23 June 2022.
 - The development proposed is retractable canopy structure to existing terrace.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the host building and whether it would preserve or enhance the character or appearance of the Harrogate Conservation Area.

Reasons

3. The appeal site is located within the Harrogate Conservation Area (CA). The CA is relatively large and, resultantly, has some variance to its character. In the vicinity of the site, I particularly noted that sandstone and roof slate are predominant building materials. Many streets in the local area comprise of continuous terraces with buildings often being 3 storeys in height. Many buildings in the area have ornate architectural detailing whilst I noted large landmark buildings close-by to the site including the Royal Hall building. I find that the material make-up of buildings and their scale, layout and design, contribute to the character and appearance of the CA and its significance, as do, the presence of certain landmark buildings.
4. 16 Cheltenham Crescent is an end terraced property constructed of local stone with a slate roof and exhibits ornate and traditional architectural detailing. The property is set on sloping land appearing as a 3 storey property from the front but 4 storey from the side and rear. To the front of the property is an external seating area, this is enclosed by a stone wall, which, owing to the level differences, varies in height. The building materials, approach to architectural detailing and the height of the property are very reflective of Harrogate town centre and, in turn, contribute to the character and appearance of the CA and its significance.
5. The host property is one of three neighbouring terraced properties which share a consistent design approach to several frontage features, including ground

floor bay windows, stonework arch surrounds to the front doors and to first floor windows, and detailing at eaves level. Farther along the terrace other properties share consistent approaches to design features in a similar manner. The similarity in the appearance of the properties on this terrace contributes positively to the appearance of the street scene and, in turn, this part of the CA.

6. The structural framework design and, in the most part, the incorporation of a retractable roof would mean that the proposed canopy structure would permit some views through it. Nevertheless, it would be a significantly sized structure that would be wider than the frontage of the host property and encompass the entirety of the external seating and entrance area at the front of the premises. The height of the structure would come close to the top of the ground floor bay windows. Due to this width and height, the canopy structure would conceal significant proportions of the ground floor frontage of the existing building. Consequently, the extent to which the ornate detailing of the stonework arch to the front door and the bay windows could be appreciated within the street would be eroded. In turn, the cohesive appearance exhibited by the host property and the two neighbouring terraces would also be less apparent. These obscuring effects of the proposed canopy would harm the character and appearance of the host property and the wider street scene.
7. Due to the change in land levels, the existing external seating area is set on higher land than the adjacent highway at Cheltenham Crescent. As a result, in views from the lower land adjacent, the height and mass of the side elevation of the canopy structure would be particularly prominent whilst its siting well above the street level would appear incongruous. This effect would be exacerbated by this end section, incorporating a fixed rather than retractable roof. This fixed roof would therefore be a more permanent fixture, and without it ever being retracted, would not be transparent.
8. Cheltenham Crescent and Cheltenham Parade contain a concentration of restaurants and other commercial premises and canopy structures are, I accept, quite common features. Some comprise of traditionally designed cast-iron canopies, which the Harrogate Conservation Area Character Appraisal (CAA), describes as being a distinctive feature of Harrogate. Others are more contemporary in approach and, overall, there exists a significant variety of designs. However, it does not follow that the particular design in this case, or its consequential effects, are appropriate in this context.
9. The existing railings atop of the boundary wall may be being retained in the development but this is a neutral effect which is incapable of outweighing the harmful effects I have identified above. Sympathetic colour finishes may also be utilised in the development, but the use of appropriate finishes and materiality is a necessary requirement in achieving an acceptable design standard and is a neutral factor in my determination. I also accept that the semi-circular shape of a section of the canopy roof would architecturally reference the existing conservatory extensions that would be beside it, but, nevertheless, this does not alter that the design, overall, would cause harm.
10. The proposed development would therefore be harmful to the host property and surrounding area and, in turn, cause less than substantial harm to the CA. This harm would be a matter of considerable importance and weight. In finding

such harm, it follows that the proposal would also fail to either preserve or enhance the character or appearance of the CA.

11. The canopy would maximise customer seating, providing the existing outdoor seating area with protection from inclement weather. This would provide economic benefits to the business and, in turn, to the local economy which would accord with content within Policy GS5 of the Harrogate District Local Plan 2014-2035 (March 2020, LP). However, and having regard to paragraph 202 of the National Planning Policy Framework (the Framework), the public benefit which would be derived from this economic benefit would not be of such an extent that it would be sufficient to outweigh the less than substantial harm identified to the heritage asset.
12. Consequently, the development would be contrary to Policies HP2 and HP3 of the LP. In summary, and amongst other things, these policies seek to ensure that development is of high quality, protects, enhances or reinforces local distinctiveness and that it protects or enhances heritage assets. The development would also be contrary to content within the CAA, which, amongst its advice, states that development must be of a suitable quality of design and execution. Furthermore, the development would fail to sustain or enhance the significance of a heritage asset, contrary to advice at paragraph 197 of the Framework.

Other Matters

13. The appellant has highlighted that the Council have concluded that the development would not affect the settings of any listed buildings within the vicinity of the site, nor would it result in any harm to the living conditions of the occupiers of nearby residential properties. I have no reason to disagree with the Council's findings, however, this lack of harm is neutral in the planning balance and does not outweigh the harm I have identified in respect of the main issues.

Conclusion

14. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

H Jones

INSPECTOR