
Appeal Decision

Site visit made on 10 February 2023

by S Ashworth BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 March 2023

Appeal Ref: APP/E2734/W/22/3308202

Flat 3, 38 York Place, Harrogate, North Yorkshire HG1 5RH

- 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 S Thrussell against the decision of Harrogate Borough Council.
 - The application Ref 22/02322/FUL, dated 9 June 2022, was refused by notice dated 3 August 2022.
 - The development proposed is replacement of 2no. windows with doors and installation of metal railings and decking to form balcony on front elevation.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposal on the character and appearance of the host property and, linked to that, whether or not the proposal would preserve or enhance the character or appearance of the Harrogate Conservation Area.

Reasons

3. 38 York Place is an imposing symmetrically designed semi-detached dwelling, which dates from the late 1800s. The property is one of four similar properties set out in two pairs fronting York Place, a main route into the town. The property has accommodation over four levels and features two double height bays to the front elevation, one of which has a decorative parapet. The building is not a listed building but nevertheless is noted in the Council's Conservation Area Appraisal as being a building of local interest and merit.
4. The front elevation of the property appears to be well preserved. Its original form, style and detailing are clearly apparent. Accordingly, much of the significance of the building as a non-designated heritage asset lies in its architectural detailing and historic interest, in its symmetry as a pair and its contribution to a group of similarly designed properties. The two pairs of dwellings are prominent in the public realm including in views across the public open space, The Stray, opposite the site. Accordingly, as well as being of value in their own right, they make a positive contribution to the character and appearance of the Harrogate Conservation Area in which they are situated.

5. Permission is sought for the alteration and replacement of second floor windows with glazed doors to allow access onto the roof of the bay. In addition galvanised steel railings would be fixed to the internal face of the decorative parapet and decking to the roof of the bay.
6. I am not aware that there is any historical precedent for high level railings at the property and indeed there are currently none evident within the group. I note that similar railings are present at the lower levels of the house but the introduction of galvanised steel railings at second floor level would be an apparent and discordant feature which would distract and detract from the quality and interest of the front elevation, including the decorative parapet, as well as from the symmetry of the pair. The proposed alterations to the proportions of the second-floor windows would also affect symmetry and result in a limited loss of historic fabric. Whilst I acknowledge that the alteration to the windows would not be readily visible from street level, the resulting use of the top of the bay as an amenity area would, to my mind, add to the incongruity of the proposal as a whole. These changes would be moderate in terms of their scale but given the architectural integrity of the front elevation they would nevertheless harmfully affect the character and appearance of the building and thereby undermine both the significance of the building as a heritage asset and its contribution to the value of the group.
7. My attention has been drawn to examples of high-level railings on other buildings within the town. However, there is little detail before me about these railings and I do not know whether they are original features, the circumstances that led to their approval or whether the buildings are identified as non-designated heritage assets. Accordingly, I cannot be certain that the cases are directly comparable with the proposal before me. As such the examples carry limited weight in my considerations.
8. Given that the proposal would cause a harmful change to the appearance of the building, it would neither preserve nor enhance the character or appearance of the conservation area. In terms of the approach of the National Planning Policy Framework (the Framework), given that the proposals would affect only a small part of the conservation area it would result in less than substantial harm to the significance of the heritage asset. In that case the Framework requires at paragraph 202 that the identified harm should be balanced against the public benefits of the proposal, including where appropriate securing its optimal viable use. In this case, no public benefits have been identified. On the other side of the balance, the Framework requires great weight to be given to the asset's conservation.
9. Accordingly, for these reasons the proposal would fail to comply with the requirements of the Framework and with Policies HP2 and HP3 of the Harrogate District Local Plan which amongst other things require that developments affecting a conservation area protect and where appropriate enhance those elements which have been identified as making a positive contribution to the architectural or historic interest of the area, and requires development to incorporate high quality building design that protects enhances or reinforces those characteristics that contribute to the local distinctiveness.
10. Policy HP2 also states the proposals that undermine the significance of a non-designated heritage asset will only be permitted where the benefits are considered sufficient to outweigh the harm. Although there are no public

benefits accruing from the proposal, I recognise that there would be a private benefit to the appellant in terms of the provision of a small amount of outdoor space. However, given the large expanse of open space opposite the site, the weight I can give to this is limited. Accordingly, the benefits of the proposal do not outweigh the harm.

Conclusion

11. Taking into account all of the above, there are no circumstances which would indicate that planning permission should be granted for the proposal contrary to the development plan. On that basis, taking into account all other matters raised, the appeal is dismissed.

S. Ashworth

INSPECTOR