
Appeal Decision

Site visit made on 17 April 2023

by S Hunt BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 31 May 2023

Appeal Ref: APP/E2734/W/23/3317266

Nidderdale House, The Den, Cambridge Road, Harrogate, North Yorkshire HG1 1NS

- 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 R Taylor against the decision of Harrogate Borough Council.
 - The application Ref 22/03632/FUL, dated 20 September 2022, was refused by notice dated 8 November 2022.
 - The development proposed is an external screen and wall mounted canopy.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Both the external screen and canopy are in place. Notwithstanding this, I am considering the appeal with reference to the submitted drawings and I have no reason to dispute that the installed works are any different to the details supplied.
3. The adjacent Grade II listed building, the Church of St Peter, is exempt from listed building consent by virtue of the Ecclesiastical Exemption (Listed Buildings and Conservation Areas) England Order 2010.
4. As the proposal affects the setting of listed buildings, and the appeal site is situated within Harrogate Conservation Area (CA), I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

5. The main issues are whether the proposal preserves the setting of a Grade II listed building, the Church of St Peter (ref. 1149467), and the extent to which it preserves or enhances the character or appearance of the Harrogate CA.

Reasons

6. The significance of Harrogate CA is derived from its growth from the mid-1800's as a spa town, with concentrations of fine Victorian buildings built primarily of carboniferous sandstone, many arranged around pleasant formally laid out open spaces. The CA covers a large area, with the appeal site being located within the Town Centre sub-area as defined within the character appraisal (2010). Here, there are a number of continuous terraces of generally three storey stone buildings which are occupied by a range of commercial uses.

7. 20th century infill has taken place along much of Cambridge Road. This includes Nidderdale House, a three-storey block reaching towards Oxford Street which comprises numerous retail and food and drink units. 'The Den' is a sports bar situated within the end unit of Nidderdale House, with a glazed frontage onto Cambridge Road providing access to the basement. During the time of my visit the small triangular-shaped forecourt was in use as an outdoor seating area. The building as a whole makes a positive contribution to the CA as a result of its sympathetic design, scale and use of materials, notwithstanding some poor examples of signage and shopfronts. Notably, this section of Cambridge Road is anchored at each end by listed ecclesiastical buildings, the Church of St Peter (the Church) to the Cambridge Street junction, and the Wesley Chapel to the Oxford Street junction.
8. The Church is located immediately adjacent to the appeal site. It dates from the 1870's and was designed by J.H. Hirst in a Gothic style. Its significance derives from a range of heritage values which stem from its undoubted architectural merit, prominent location in central Harrogate, and ecclesiastical and community uses. It is situated in close proximity to other significant buildings located around Cambridge Street which include the Grade II* obelisk of the Harrogate War Memorial, and the convex-shaped terraces at Cambridge Crescent and Prospect Crescent (both Grade II listed). The CA character appraisal identifies the Church as a landmark building.
9. The appeal site includes the side boundary of the listed Church which is formed by a low stone wall, ending with a slightly higher capped stone pillar with attached gates. The wall continues along the side of Nidderdale House, where it is physically attached to the building. A stone flagged parking and service area separates the main Church building from the appeal site, leading towards a side entrance to the rear section of the Church. Beyond the gate piers, the wall continues along the frontage of the Church towards its stepped and pillared western entrance doors. It then continues around Cambridge Road. The wall appears to be constructed from the same ashlar stone as the church, and clearly differs from the more modern and regular coursed stone from which Nidderdale House is constructed.
10. The stone wall is a modest structure but has significance in its use of materials and in defining the historic boundary of the Church, enclosing its small areas of external space. It makes a positive contribution to the setting of the Church and, in turn, it positively contributes to the character and appearance of the area.
11. The screen is situated atop the wall and is angled so that it slopes down to the gate pillar. It is constructed from horizontal timber boards with clear acrylic infill panels which allow for limited views of the Church. Whilst the timber materials match those used on the shopfront signage, I did not note any other similar examples of timber cladding in the locality.
12. The screen lacks prominence in more distant views, as a consequence of its lightweight structure and colour, which is similar to the wall and buildings which it adjoins. Given the limited visual prominence of the proposal, I do not find harm to the setting of nearby listed buildings, including the Grade II* Harrogate War Memorial and the Grade II terraces at Cambridge Crescent and Prospect Crescent.

13. However, on closer inspection the screen materials appear to be of poor quality and starting to display signs of wear around the rough sawn edges and capping to the top. The structure is awkwardly shaped and appears incongruous in its position above the stone wall. The clear panels allow some views through to the Church, but their somewhat harsh angles jar with the graceful design and proportions of the arched windows of the Church. Overall I find that the screen, specifically in terms of its poor design and use of wholly inappropriate materials, fails to preserve the setting of the Church and the significance of the CA.
14. In respect of the canopy, I consider this element of the proposals to be unobtrusive amongst the modern shopfronts of Nidderdale House, and it has limited prominence in the wider area. The canopy has the ability to be retracted when not in use, and overall I consider its effect to be neutral on both the setting of the Church and the character and appearance of the CA.
15. Paragraph 199 of the National Planning Policy Framework 2021 (the Framework) advises that when considering the impact of development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 200 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that any such harm should have a clear and convincing justification. Given the limited scale and prominence of the screen, I find the harm to be less than substantial in this instance but nevertheless of considerable importance and weight.
16. Under such circumstances, paragraph 202 of the Framework advises that this harm should be weighed against the public benefits of the proposal. I acknowledge the letter of support from the Church and would agree that the screen presents some benefits in screening activities which take place outside the bar such as smoking and drinking, as well as helping to prevent transfer of litter into the Church grounds. No other public benefits have been identified. However, the outside seating area remains open to Cambridge Street, and there is little to prevent users and associated litter from 'spilling out' towards the Church. I therefore find the benefits of the screen to be limited and insufficient to outweigh the harm that I have identified.
17. Given the above and in the absence of any significant public benefit, I conclude that the screen fails to preserve the special historic interest of the Grade II listed Church of St Peter as derived from its setting and the character or appearance of the Harrogate CA. It fails to satisfy the requirements of the Act, paragraph 199 of the Framework and conflict with policies HP2 and HP3 of the Harrogate Borough Local Plan which seek, among other things, to ensure that proposals protect or enhance features which contribute to the special interest of heritage assets, and for development to take account of the contribution of materials and traditional building techniques which contribute to local distinctiveness. Consequently, the proposal is not in accordance with the development plan.

Conclusion

18. For the reasons given above I conclude that the appeal should be dismissed.

Susan Hunt

INSPECTOR