



Appeal Decision

Site visit made on 24 January 2024

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12 February 2024

Appeal Ref: APP/U2750/W/23/3332631

Rear of 30 Park Parade, Harrogate, North Yorkshire HG1 5AG

- 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 Julian Meredith against the decision of North Yorkshire Council.
- The application Ref ZC23/02806/FUL, dated 26 July 2023, was refused by notice dated 13 October 2023.
- The development proposed is conversion of existing garage/store to form new dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. As the proposal is in a conservation area and within the setting of listed buildings, I have had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
3. The revised National Planning Policy Framework (December 2023) (the Framework) was published after the appeal was lodged. Both main parties have been given the opportunity to comment on any implications of this during the appeal process.

Main Issues

4. The main issues are:
 - whether the proposed development would preserve the Grade II listed buildings or their settings, known as No 29 and No 30 Park Parade, and any features of special architectural or historic interest which they possess and whether it would preserve or enhance the character or appearance of the Harrogate Conservation Area; and
 - whether the proposed development would provide future occupiers of the proposed dwelling with acceptable living conditions with particular reference to noise and disturbance, outlook and natural light.

Reasons

Heritage Assets

Special interest and significance

5. No 29 and No 30 Park Parade (Nos 29 and 30) are 19th century properties that face onto Park Parade and the large open grassed area that forms part of The Stray. No 29 is taller at three storeys, has a shop at the ground level and is

orientated with its gable facing Park Parade and extends considerably to the rear. In contrast No 30, is two storeys, and has its gable to the side. The listing indicates that No 30 was formerly a shop. However, it is now in residential use with the shop windows replaced with domestic sash windows.

6. The architectural detailing of the front differs considerably from the rear and side facades of these listed buildings, particularly that of No 29. This reflects the difference in their status and relationship to the public realm along Park Parade. The rear of No 30 and the side of No 29 have a broad rhythm and regularity to their solid to void ratio of the fenestration. This, combined with the window proportions and the height of the buildings, gives these façades a distinctive vertical emphasis.
7. In so far as it relates to this appeal the special interest and significance of these listed buildings resides in their age, architectural detailing including their fenestration pattern, vertical emphasis and solid to void ratio, historical evolution and group value with other large properties facing onto Park Parade.
8. The listed buildings are experienced from, amongst other things, the rear garden of No 30 and from users of the access road to the side of No 30. This access includes a range of low-key garages and ancillary structures. The appeal structure is one such building and comprises of a flat roof garage and store with railings on top. It has a poorly articulated utilitarian design and form and has a minor negative impact on the setting, and in this regard, the significance of the listed buildings.
9. The appeal site is located within the Harrogate CA. This part of the CA is dominated by the large expansive grassed open space to the front of Park Parade that forms part of the Stray. Housing and other buildings facing onto the open space are characterised by high quality traditional materials and fine craftsmanship reflecting the historical wealth and status of this part of the CA. In addition, the contrasting unadorned and functional secondary rear and side elevations contribute to the character, appearance, and significance of the CA, albeit to a small degree, with several alleyways and rear accesses providing both public and private access behind the front facing properties.
10. The special interest/significance of the listed buildings and the contribution that their setting makes to their interest/significance contributes positively to the character and appearance of the CA as a whole and thereby to its significance as a designated heritage asset.

Appeal proposal and effects

11. The proposed development would have a height similar to the other structures along the access road and would appear subservient in scale to Nos 29 and 30. The building would have a modest massing overall, including from its distinctly low pitch. However, it would have a single aspect with the front containing numerous openings. The number, positioning and size of the openings relative to the size of the host property would result in a solid to void ratio and horizontal emphasis that would jar injuriously with the distinctive solid to void ratio and vertical emphasis of Nos 29 and 30.
12. It is put to me that the proposal would be an improvement from the existing garage and store arrangement. Although there are elements of the design that would be compatible with the surrounding built environment, it would not be an

improvement overall. The appearance of the existing structure is not of architectural merit and the design is poorly articulated. However, its smaller massing and ancillary function means that the building does not draw the eye to the extent that the taller and more active frontage of the proposed dwelling would. For these reasons, the replacement of the existing garage and store with the proposed design is not a benefit of the scheme before me.

13. Accordingly, the proposal would have a harmfully erosive effect on the setting, and thus the special interest, of Nos 29 and 30. As such, the proposal would not conserve these designated heritage assets in a manner appropriate to their significance.
14. The proposal would be visible to a small degree from Park Parade looking down the access road. Moreover, it would be prominent to users of the access road including visitors to the Registry Office and commercial garage. Accordingly, it would be highly visible in a small part of the CA. Given my findings above in relation to how the proposal would be seen in combination with Nos 29 and 30, I also consider that the proposal would, in turn, harm the character and appearance of the CA.
15. Drawing the above together, the proposal would fail to preserve the special interest of the Grade II listed buildings known as Nos 29 and 30 Park Parade, and would fail to preserve or enhance the character and appearance of the Harrogate CA. As a result, the expectations of the Act have not been met and the proposal would harm the significance of these designated heritage assets.

Public benefits and heritage balance

16. Paragraph 205 of the Framework advises that great weight be given to the conservation of designated heritage assets (and the more important the asset, the greater the weight should be). Paragraph 206 goes on to advise that significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting and that this should have clear and convincing justification.
17. With reference to paragraphs 207 and 208 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. In this instance, the harm to the setting of the listed buildings and the harm to the CA would be 'less than substantial', due to the location of the appeal site behind Park Parade and the scale of the proposed development. Nevertheless, any harm is of considerable importance and weight. Under such circumstances, paragraph 208 advises that this harm should be weighed against the public benefits of the proposal, which includes securing the asset's optimum viable use.
18. There would be benefits resulting from the construction works, spend from future occupiers, the general investment into the appeal site and the addition of a dwelling to the local housing stock built to modern energy efficient standards and on previously developed land in a sustainable location. However, the nature and scale of the associated public benefits that would flow from the scheme to the public at large would be small. As such, the associated public benefits carry little weight in favour of the appeal.
19. Overall, the weight that I ascribe to the public benefits that would result from the proposal, would not be sufficient to outweigh the weight that I attach to the

harm I have identified. As such, the proposal would not comply with paragraph 208 of the Framework. It follows that it would also be contrary to Policies HP2 and HP3 of the Harrogate District Local Plan (2020) (LP) when taken together and in so far as they relate to this main issue. These say, amongst other things, that applicants should ensure that proposals affecting a heritage asset, or its setting, protect or enhance those features which contribute to its special architectural or historic interest.

Living conditions

20. The proposed dwelling would face the access track serving, amongst other things, an adjacent vacant workshop, car garage and the rear of the Registry Office. There are also several residential properties nearby including those at Nos 29, 30 and properties on Park Chase. However, none have as close a physical relationship to the access track with all windows of the proposed dwelling close to and facing onto it. Moreover, although the adjacent workshop is vacant, and I'm told has been sold and an alternative use sought, no other use has been permitted or implemented. I can not therefore be satisfied that a workshop use would not recommence leaving any future occupiers of the proposed dwelling vulnerable to disturbance from activity within it.
21. It is put to me that the continued industrial or commercial use of this part of the CA is unlikely in the mid to long term and granting permission for this scheme and the conversion of the adjacent workshop would be a benefit. However, a comprehensive scheme covering both sites is not before me, nor is there any firm evidence that the workshop activity would not resume or that the car garage operation would alter.
22. With all windows having close direct views of the access track and the roof of the Registry Office, or through rooflights to the sky, the property would not have a positive or pleasant outlook. The design has sought to minimise the effects from this by having the sleeping accommodation, study, and bathroom on the ground floor. The most important rooms are on the first floor and given the combination of rooflights and windows facing the roof of the Registry Office, this floor would have acceptable levels of natural light. However, the whole of the ground floor would not have good access to natural light due to the location of the windows relative to the walls of the Registry Office building.
23. Overall, as the proposed dwelling would feel hemmed in by the physical built form around it, differing sources of nearby noise and activity and would have an unacceptable access to natural light on the ground floor, taken together future, occupiers would not have a high standard of amenity.
24. I therefore find that future occupiers of the proposed dwelling would not have acceptable living conditions with particular reference to noise and disturbance, outlook and natural light. Accordingly, I find conflict with the requirements of Policy HP4 of the LP and paragraph 135 of the Framework. These seek, amongst other things, to create places with a high standard of amenity for future users.

Other Matters

25. The absence of harm in relation to other matters including, amongst other things, parking, or the lack of outdoor amenity space on site are neutral matters that weigh neither for nor against the proposal.

Conclusion

26. The proposed development would conflict with the development plan as a whole and there are no material considerations which indicate that the decision should be made other than in accordance with it. Therefore, for the reasons given, the appeal is dismissed.

Mr R Walker

INSPECTOR