



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: 14 February 2024

Appeal Ref: APP/E2734/W/23/3330284

12, 12A and 13 Devonshire Place, Harrogate HG1 4AA

- 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 WLW Holdings Ltd against the decision of Harrogate Borough Council.
 - The application Ref 23/00523/FUL, dated 7 February 2023, was refused by notice dated 28 March 2023.
 - The development proposed is conversion of existing ground floor retail and demolition of outbuildings to form 3 apartments, erection of two storey extension, change of use of basement from commercial storage to residential storage and tree works.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by WLW Holdings Ltd against Harrogate Borough Council. This application is the subject of a separate Decision.

Preliminary Matters

3. As the proposal is in a conservation area, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
4. 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 Issue

5. The main issue is whether the proposed development would preserve or enhance the character or appearance of the Harrogate Conservation Area.

Reasons

Special interest and significance

6. Nos 12, 12A and 13 Devonshire Place lie on the edge of, but within, the Harrogate Conservation Area (CA), which covers a large area of Harrogate. The appeal premises falls within Character Area D (High Harrogate), as defined in the Council's CA Appraisal. Here, the large, grassed area known as the Stray and numerous trees results in a spacious and leafy quality. This, combined with the age, quality of materials and architectural detailing in buildings contributes

to a sense of elegance to the buildings that reflects the historical status of the High Harrogate area within the town.

7. In so far as it relates to this appeal, this part of the CA is characterised by buildings fronting onto the footway with a mixture of sizes but predominantly two to three storeys high. The nearby busy A59, the variety of scale and design of properties along this part of Devonshire Place and the presence of commercial activities on ground floors fronting onto the footway results in a vibrant mixed character.
8. The appeal premises are modest in its scale and understated in its architectural design detailing. The contrasting scale to the taller neighbouring properties, the materials, first floor canted bay windows, unbroken roof slope, and ground floor commercial activities onto the footway all contribute positively to the mixed vibrant character of this part of the CA.
9. There is a clear distinction between the front and rear facades of the appeal premises and other buildings backing onto Devonshire Yard. This reflects the difference in the service status and function of the rear. Here, the variety of alterations, extensions, outbuildings, and activity has resulted in a somewhat cluttered appearance to several properties. Even so, the historical, varied and contrasting scale of buildings are still evident, particularly in views of the upper floors and the roofscape. These elements, contribute to the character, appearance, and significance of the CA, albeit to a very small degree.

Appeal proposal and effects

10. The proposed development includes two rear projecting gables, one being smaller than the other, that together would project considerably to the rear. The proposed development would appear unduly bulky due to the two storey height, length of projection along two consistent ridge lines and the extent of solid walls on the side facades. This would be at odds with the distinctly modest sized and understated qualities of the appeal premises.
11. The different height and length of the gables would break up the bulk to a very small degree and the development would be lower than the ridge line of the host properties and not as wide. Moreover, the proposals would be seen in combination with the various outbuildings, extensions and alterations to nearby properties including those at No 11 Devonshire Place and The Devonshire Taps. The presence of other extensions would help reduce the extent of the dominance from the proposed development. However, they would not be sufficient to assimilate the scale of the proposals with the distinctly modest scale of the appeal premises.
12. The absence of harm in respect of other elements of the design are neutral matters. The proposals would remove the visual clutter to the rear of the properties, including the dilapidated outbuildings. However, there is no firm evidence that the proposed development before me is the only means of securing such benefits moderating the weight I give to them. Moreover, whilst the proposals would replace the poor design elements to the rear, the replacement scheme would not be of a high-quality design due to its overtly dominant scale and massing. In this regard, the tidier, simpler, and more rationalised layout that would result, would not amount to a heritage benefit.

13. My attention has been drawn to approvals for rear extensions to Nos 5 and 6 Devonshire Place. However, both Nos 5 and 6 are taller properties that do not share the same distinctive modest understated qualities that characterise the appeal properties. Moreover, both the built extension to No 6 and the approved extension to No 5 are designed with side elevations with active facades containing windows and/or doors facing onto the access drive into Devonshire Yard. In this regard, the circumstances and designs are not the same as the appeal proposals and I have considered the proposed development on its own merits.
14. The harmful aspects of the proposed development would be to the rear of the appeal premises and would not be visible within the public realm along Devonshire Place. As such, the attractive streetscape that forms this part of the CA would not be materially affected. Even so, it would be visible by amongst other things, residents, and visitors to Devonshire Yard and from the rear of neighbouring properties within, but on the edge of, the CA.
15. Drawing the above together, I find that the proposed development would not preserve or enhance the character or appearance of the Harrogate CA.

Public Benefits

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, as the harm would be confined to the rear on the edge of the CA, the harm to the CA as a whole would be 'less than substantial' but, nevertheless, of great weight. Under such circumstances, paragraph 208 advises that this harm should be weighed against the public benefits of the proposal. This includes securing the asset's optimum viable use.
18. The proposals would result in improvements to the two existing apartments including from improved internal layouts, access, and natural light. In addition, the scheme would provide social benefits from three additional apartments. This would boost the supply of one-bedroom apartments with good living conditions, in a sustainable location with access to open space nearby, by making an effective use of a windfall site. This would stimulate employment, the commissioning of services, and the retention of building craft skills. Moreover, future occupiers would bolster the demand for local services and facilities and would bring economic benefits from spending in the local area.
19. The main heritage benefit would be from the investment in the property, to remove the dilapidated elements and visual clutter to the rear. The absence of harm in relation to other considerations are neutral matters that weigh neither for nor against the proposals.
20. Taken together these are benefits of potentially substantial weight. However, it has not been demonstrated that the only way of securing the identified benefits is via the particular design before me, moderating the weight I afford them.

21. Overall, the weight that I ascribe to the public benefits resulting from the proposed development, are not sufficient to outweigh the great weight that I attach to the harm I have identified. As such, the proposed development would not comply with paragraph 208 of the Framework.
22. The proposed development would fail to preserve the character and appearance of the CA. This would be contrary to the requirements of sections 72(1) of the Act. This would also be contrary to the requirements of Policies HP2 and HP3 of the Harrogate District Local Plan (2020) and the provisions of the Framework 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 conservation area protect and, where appropriate, enhance those elements that have been identified as making a positive contribution to the character and special architectural or historic interest of the area and its setting.
23. Having regard to the legitimate and well-established legislative and planning policy aim of the conservation and enhancement of the historic environment, a refusal of consent would therefore be proportionate and necessary.

Conclusion

24. 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