



Appeal Decision

Site visit made on 8 July 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/U2750/D/24/3345570

33 Abbey Road, Knaresborough HG5 8HY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs M Evans against the decision of North Yorkshire Council.
 - The application Ref is ZC24/00849/FUL.
 - The development proposed is described as: 'First floor extension to existing dwelling'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property is located within the Knaresborough Conservation Area. It is also adjacent to a Grade I listed building¹ referred to on the National Heritage List for England as, 'Chapel of Our Lady of the Crag'. A Grade II listed building² referred to on the National Heritage List for England as 'Fort Montague with attached wall to west' also lies close by. I have therefore had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issues

3. The main issues are:
 - whether the proposed development would preserve or enhance the character and appearance of the Knaresborough Conservation Area (the CA) and whether the proposal would preserve the adjacent listed buildings, with particular regard to their setting; and
 - the effect of the proposed development on the living conditions of the occupiers of neighbouring residential properties, with particular regard to outlook.

Reasons

Heritage Assets

4. The CA extends over a large part of the historic urban centre of Knaresborough encompassing much of the banks of the River Nidd as it flows through the town. The development of Knaresborough has been shaped, in part, by its natural landscape comprising of the River Nidd, the steep cliff and crag

¹ List Entry Number: 1149913.

² List Entry Number: 1293901.

formations. Sections of the riverbank, the cliff and crags are heavily wooded giving a verdant character. Buildings here comprise of stone houses and cottages, generally dating back to the eighteenth or early nineteenth centuries with some twentieth century houses of a suburban character. The exposed limestone of the cliffs and crags and the natural stone present in the external walling of some of the dwellings provides a consistency across the CA.

5. Pertinent to the appeal, the character and appearance and thus the significance of the CA stems from the dominance of the natural landscape of the River Nidd and the cliffs and crags within the streetscene, the use of natural stone, and the eighteenth and nineteenth century dwellings: their siting and design being heavily influenced by the natural features.
6. The appeal property lies within a grouping of such houses and at the end of a row of two dwellings (35 and 37 Abbey Road) which contribute to the character and appearance of the CA. The appeal property is a converted garage with a low parapet defining the edge of the flat roof. Through its high solid to void ratio, use of natural stone and its very low roof height, it does not intrude into the streetscene and is the lowest structure along the row. In fact, in longer distance views, owing to its simplistic appearance, the stone of the exterior almost appears to merge into the exposed stone of the crag which towers above the appeal site. These factors result in the building having a neutral effect on the CA, despite its sensitive location.
7. The Chapel of Our Lady of the Crag lies to the south of the appeal site, beyond No 35 and No 37. This chapel, carved into the cliff face and dating from the early fifteenth century with late seventeenth and early eighteenth century alterations is elevated above road level and accessed via a path, winding up the wooded slope. Its significance derives from its architectural, historic and archaeological interest as an example of an early fifteenth century oratory. The listed building is uniquely shaped by its context within the cliff face and its significance is also derived from its wider setting comprising of the crag, the river banks and the nearby historic cottages. As set out above, the appeal site, as a modest linear stone-faced structure, is inconspicuous in longer range views and is not prominent in views from the spaces around the Chapel. It consequently has a neutral impact on its setting.
8. The Grade II listed building of Fort Montague comprises of a house and a wall constructed between 1770 and 1786. The house is constructed of Magnesian limestone, of four storeys but only one room deep and cut into the face of the cliff. As such, all windows are located on the south face. The significance of the building derives from its architectural and historic interest as a rock-cut dwelling formed in the eighteenth century. Its context, set in an isolated position high within the wooded crag, seen rising above the cottages fronting Abbey Road, is a key component of its significance. Fort Montague and its embattled parapets is consequently a dominant structure within the skyline here.
9. The modest heights of No 35 and the appeal property, in particular, contrast with the height and dominance of Fort Montague rising directly above them. In this regard, No 35 and the appeal property reinforce the significance of Fort Montague.
10. The proposal seeks to add an additional storey to the appeal property. This would partly involve raising the height of the existing parapet walls to the right

side of the front elevation and extending above the height of the existing lean-to structure to the left. The additional height and massing including the roof would represent a considerable increase, obscuring a sizeable area of the crag in views from Abbey Road, reducing its dominance within the streetscene, to the detriment of the significance of the CA.

11. Owing to its height and massing and its increased complexity through provision of an asymmetrical gable, the appeal property would become a significantly more visible structure on the approach along Abbey Road from Low Bridge. In these views, seen alongside the adjacent eighteenth and nineteenth century houses, and Fort Montague above, the appeal property would appear as a reasonably complex modern structure that would be poorly related to its surroundings, eroding the historic character and adversely affecting the significance of the CA.
12. As a substantial and incongruous addition to what was previously an inconspicuous structure, the proposal would increase the prominence of the appeal property in views from around the Grade I listed Chapel. This would, albeit in a small way, erode the wider historic setting of the asset, adversely affecting its significance.
13. The appeal property would extend much closer to Fort Montague, intruding into its setting within the crag. This intrusion would diminish the isolation and dominance of the listed building in views from Abbey Road and the wider area, adversely affecting the ability to appreciate and understand the significance of this asset.
14. I acknowledge that the appellants have sought to provide cohesive modern design that does not seek to copy nearby traditional buildings. However, this is nonetheless a substantial and prominent addition to a building in a highly sensitive and prominent location within the CA, adjacent to listed buildings, one of which is an asset of the highest significance. I have had regard to the photograph provided of another modern property that was granted planning permission along Abbey Road. However, I have not been provided with details of where on Abbey Road this is located and the circumstances under which this was granted planning permission are also uncertain. Moreover, it is not clear whether the sensitivity of the location was comparable with that of the appeal site. It therefore carries limited weight in my assessment.
15. As such, for the above reasons, I conclude that the proposal would fail to preserve or enhance the character or appearance of the CA. It would also fail to preserve the special interest of the Grade I listed building of Chapel of Our Lady of the Crag and the Grade II listed building of Fort Montague with attached wall to west, through development within their setting. This would be contrary to the requirements of sections 66(1) and 72(1) of the Act. For the same reasons it would cause harm to the significance of these designated heritage assets.
16. With reference to Paragraphs 207 and 208 of the National Planning Policy Framework (the Framework), in finding harm to designated heritage assets the magnitude of that harm should be assessed. Given the extent and nature of the proposals, I find that the harm to the CA and the setting of the listed building would be less than substantial, this is nonetheless, of considerable importance and weight. Under such circumstances, Paragraph 208 advises that this harm

should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.

17. The appellants consider that the appeal proposal results in benefits through the provision of a high quality design that would enhance the setting of the heritage assets and the significance of the CA. However as set out above, my assessment is that the proposal would be harmful to the significance of the heritage assets.
18. The appellants have advanced the proposal to better accommodate their family. I accept the proposal would be beneficial in those respects. Nevertheless, those are essentially personal benefits as opposed to the public harm that would result. Nonetheless, I acknowledge that minor economic benefits would arise from the construction processes.
19. Paragraph 206 of the Framework is explicit in its requirement that any harm to the significance of designated heritage assets should require clear and convincing justification, which, in all of the respects outlined above, I find not to be the case in the appeal before me. The public benefits would not outweigh the harm to designated heritage assets to which I must give considerable importance and weight.
20. The proposal would fail to preserve or enhance the character and appearance of the CA. It would also fail to preserve the special interest of the Grade I listed building of Chapel of Our Lady of the Crag and the Grade II listed building of Fort Montague with attached wall to west, through development within their setting. This would be contrary to the requirements of sections 66(1) and 72(1) of the Act and the provisions within the Framework which seek to conserve and enhance heritage assets. The harmful impact would also be contrary to Policies HP2 and HP3 of the Harrogate District Local Plan (2020 (the HLP). Together these seek to preserve and enhance heritage assets whilst providing high quality design that makes a positive contribution to local distinctiveness.

Living Conditions

21. The appeal site is located opposite the residential properties 6 Abbey Road (Abbey Lodge) and 14 Abbey Road (Waterfoot). No 6 has a reasonably long frontage and has dormer windows at first floor level. The front elevation of No 14 is single storey and comprises of two windows and a door which face the appeal site.
22. Abbey Road is relatively narrow at this point and the existing distance between the properties is 10.5 metres. There are intervening boundary treatments in the form of the low wall and relatively high hedge that define the edge of the garden of the appeal site. Given the low height of the appeal property, existing levels of outlook from the windows of No 6 and No 14 towards the crag are reasonably good. This is despite the presence of the hedge, the height of which I am mindful could change over time.
23. As set out above, the appeal proposal would represent a substantial increase in the height and massing of the appeal building. Whilst, the increase would not occur to the full length of the structure, it would be located along the section of the building closest to No 6 and No 14. As such given the length, height and proximity, the proposal would likely result in a significant reduction in outlook from No 6 and No 14. From here the proposal would appear as an overbearing

and oppressive form of development that would adversely affect the living conditions of occupiers of those properties. Although I acknowledge that no objections were submitted by the occupiers of No 6 or No 14, the lack of an objection does not necessarily indicate a lack of harm.

24. I have been directed to Appendix D of the Harrogate District House Extensions and Garage Design Supplementary Planning Document (2005) (the SPD). Although this refers to two storey rear extensions rather than first floor extensions, the distances provided are nonetheless useful parameters for assessing such development. At around 10.5 metres away from the neighbouring elevations, the appeal proposal would not meet the 12 metres separation distance set out in that guidance. Whilst I am mindful that this is only guidance, it reinforces my above assessment.
25. For the above reasons the proposal would adversely affect the living conditions of the occupiers of No 6 and No 14 with particular regard to outlook. The proposal would therefore conflict with Policy HP4 of the of the HLP which seeks to ensure new development proposals preserve the living conditions of neighbouring occupiers.

Conclusion

26. Having considered the development plan as a whole, the approach in the Framework, and any other relevant considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR