

Appeal Decision

Site visit made on 7 September 2016.

by Martin H Seddon BSc DipTP MPhil MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 19 September 2016

Appeal Ref: APP/E2734/D/16/3154424

53 Kielder Oval, Harrogate, North Yorkshire, HG2 7HQ

- 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 Abhijeet Kulkarni against the decision of Harrogate District Council.
 - The application Ref: 16/01583/FUL was refused by notice dated 17 June 2016.
 - The development proposed is two storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appellant has been advised by his architect that 'a reasonable further pulling in of the rear elevation would reduce the ridge height and further enhance the subservient effect of the current design proposal'. The appellant is happy to consider any reasonable modification suggestions/conditions. However, I have to determine the proposal on the basis of the drawings and scheme that was refused. To do otherwise could prejudice the views of the Council and any third parties, who would not have been consulted.

Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the street scene.

Reasons

4. The appeal building is a detached two storey dwelling with a single flat roofed integral garage. All the properties between Nos.37 and 55 Kielder Oval are of a similar original design, but some have had alterations or extensions.
5. No.37 had a two storey side extension allowed on appeal in 2004. Permission was granted for a two storey side extension at No.45 in 2008. At No.55 the garage has been altered by infilling the gap between the garage and main house wall and providing a pitch to the roof with an element of the roof carrying over a front door. The location of the garages in Kielder Oval also differs between the detached properties.
6. The appellant advises that Kielder Oval consists of detached and semi-detached houses and bungalows. However, despite the variation in the forms of development, the part of Kielder Oval between Nos. 39 and 53 has a characteristic rhythm in the design of its dwellings, and with the exception of No.45, a sense of spaciousness created by the gaps between dwellings above

the individual garages. These gaps allow views of the tree tops and sky to the rear of the dwellings when viewed from Kielder Oval.

7. The Council's *House Extensions and Garages Design Guide (2005)* is a supplementary planning document which expands on saved policies H15 and HD20 of the Harrogate District Local Plan. It advises that *"a single storey extension to the side of a property should be acceptable if it does not impact uncharacteristically on the nature of the space between buildings. When assessing proposals for two storey side extensions the Council will seek to prevent the loss of gaps between buildings, particularly where the gaps are important to the character of the street. This is to prevent two storey side extensions on houses creating the appearance of a terrace."* This guidance is advisory only and replaced a previous version from 1980 that also referred to avoiding a terracing effect from two storey side extensions.
8. I agree with the appellant that the proposed two storey side extension would be unlikely to result in a terracing effect because a gap would be left between the flank wall of No.51 and the flank wall of the proposed extension. At No.37 Kielder Oval the two storey side extension was allowed on appeal on the basis that if No.35 Kielder Oval had a similar extension over its garage the two properties would then appear as a semi-detached pair of dwellings. The situation is different in terms of the appeal proposal because No.51 has its flat roofed garage next to No.49 Kielder Close. I note the appellant's reference to the issue in both Inspectors' decision letters regarding the extension at No.37 that elsewhere the possibility of a terracing effect, through repetition of the appeal proposal, could not arise because of the siting of the garages.
9. Turning to development plan policies, rather than design guidance, the Council's reasons for refusal relate to saved policies H15 and HD20 of the Local Plan and policy SG4 of the Harrogate Core Strategy. Local Plan policy HD20 primarily concerns new buildings and redevelopment rather than house extensions. Core Strategy policy SG4 concerns settlement growth: design and impact. The most relevant policy is Local Plan policy H15 which, amongst other things, indicates that extensions will be permitted providing that there is no detriment to the character or appearance of the dwelling or the surrounding area. The aim of development plan policy therefore does not narrow down to preventing a terracing effect. The 'surrounding area' is not defined but in the particular case of this appeal it is the row of dwellings between Nos 39 and 55 Kielder Oval that, in overall terms, have largely retained a particular character and appearance.
10. I conclude that the proposal would result in the loss of an important gap in built development above the existing garage and would harm the character and appearance of the street scene, contrary to Local Plan policy H15. All other matters raised have been taken into account, including the characteristics of housing development when viewed from Forest Lane and the 'high' single storey extension at 54 Sherwood Drive. However, for the reasons given above the appeal is dismissed.

Martin H Seddon

INSPECTOR