

Appeal Decision

Site visit made on 1 November 2016

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 4th November 2016

Appeal Ref: APP/E2734/D/16/3159759

2a Throstle Nest Drive, Harrogate HG2 9PB.

- 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 & Mrs Jon Kershaw against the decision of Harrogate Borough Council.
 - The application Ref: 16/02021/FUL, dated 17 May 2016, was refused by notice dated 11 July 2016.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension at 2a Throstle Nest Drive, Harrogate HG2 9PB in accordance with the terms of the application, Ref: 16/02021/FUL, dated 17 May 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: S16/108-01, dated April 2016.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

2. The main issue in the appeal is the effect of the proposed development on the living conditions of adjoining occupiers with particular reference to overlooking and loss of privacy.

Reasons

3. This proposed development would infill a rear corner of the current dwelling with a 2 storey extension. There is no dispute that the ground floor element of the extension would cause no harm. Similarly there is no dispute that the entire extension would be acceptable in design terms.
 4. At my site visit I saw that the first floor element of the proposal would bring a bedroom window closer to the rear boundary of the property where it meets the common boundary with No 75 Leadhall Lane. A secondary effect of the proposal would be to make an existing window at the side of the property
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which faces no 73 Leadhall Lane the only window serving that bedroom (at present the room has 2 windows).

5. In relation to No 73 I would not expect there to be any material difference in the degree of overlooking of that property. The garden and dwelling at No 73 is already heavily screened from the side window and there is no reason to believe that this would change. This is not a matter which weighs against the proposal.
6. Whilst acknowledging that the proposed window in the first floor rear of the extension would be closer to the boundary with No 75, the extent of common boundary here is very short. There is a severely restricted view over the fence of only a minor part of the garden of No 75, and that view already largely exists from the existing dwelling at No 2A. In my judgement the change which would result from the construction of the extension proposed would be sufficiently minor that it would make no material difference to the enjoyment of the garden of No 75.
7. Taking these matters in the round I find that there would be no harm caused to the living conditions of the occupants of adjoining occupiers and as a result no conflict with the policies of the development plan which seek to protect living conditions (Core Strategy Policy SG4, Local Plan Policies H15 and HD20) or with the objectives of the Council's House Extensions and Garage Design Guide.

Conditions

8. In the event of the appeal being allowed the Council has requested that conditions be imposed which require materials to match those at the dwelling, and compliance with the approved plans. I agree that those conditions are necessary in order to ensure the development is of an acceptable standard.

Other Matter

9. I have noted the concerns raised regarding potential disruption during construction. However, given the space around the dwelling this is not a matter which is material to my decision.

Conclusion

10. For the reasons given above I conclude that the appeal should be allowed.

Philip Major

INSPECTOR