

## 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: 4<sup>th</sup> November 2016**

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**Appeal Ref: APP/E2734/D/16/3159684**  
**4 Hill Rise Close, Harrogate HG2 0DQ.**

- 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 J Lloyd against the decision of Harrogate Borough Council.
  - The application Ref: 16/01250/FUL, dated 29 March 2016, was refused by notice dated 12 September 2016.
  - The development proposed is an extension to the garage with second storey side extension above.
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### Preliminary Matter

1. The Council's decision notice includes 2 different references. I have used the one quoted by the appellant on the appeal form.

### Decision

2. The appeal is dismissed.

### Main Issue

3. The main issue in the appeal is the effect of the proposed development on the living conditions of the occupants of No 91 Otley Road, with particular reference to any overbearing impact.

### Reasons

4. The existing dwelling at No 4 Hill Rise Close already extends to within about 1.4m of the common boundary with No 91 Otley Road, but at ground floor level only. The proposed extension would significantly alter that situation. The first floor extension above the garage (which would also extend the length of the garage and hence increase the length of new first floor gable wall) would bring a blank 2 storey elevation close to the boundary between the 2 properties.
  5. The rear outlook from No 91 currently takes in the main side elevation of No 4 but this is set back from the boundary and the garage is largely obscured by fencing and vegetation. Neither fencing or trees and shrubs would be able to screen out the proposed second storey and gable end of the flank wall proposed.
  6. I have concerns that the bulk of the extension proposed would appear as a dominant feature when in the rear garden of No 91, and to an extent when looking out from the rear windows of the property. The difference in ground levels would emphasise the mass of the extension at No 4. It seems to me that the design of the extension does not adequately mitigate the overbearing
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nature of the impact which would occur within No 91. It would be a looming presence for occupants at that property.

7. However, given that the distance between the properties would be close to the guideline of 12m between a flank wall and main extension contained in the Council's Supplementary Planning Document (SPD)<sup>1</sup> this is a matter which may be capable of being resolved by alternative design. The conservatory at No 91 would reduce the distance between built elements, but the conservatory is small and the impact on its use would be relatively minor. However I make no finding on the drawings provided but which do not form part of the case before me since any alternative would need to be considered by the Council in the first instance. Consequently, on balance, it is my judgement that the current proposal would be unacceptable because of the overbearing nature of the proposal and its harmful impact upon the living conditions of the occupants of No 91.
8. The development plan includes the Harrogate District Core Strategy (CS) of 2009 and the saved policies of the Harrogate District Local Plan (LP). CS Policy SG4, taken together with LP Policies H15 and HD20, seek to ensure that extensions would not have an adverse impact on neighbouring residential amenity. The proposal before me fails to achieve that objective and is therefore in conflict with those policies.
9. For the reasons given above I conclude that the appeal should be dismissed.

*Philip Major*

INSPECTOR

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<sup>1</sup> House Extensions and Garages Design Guide