
Appeal Decisions

Site visit made on 11 October 2016

by Jean Russell MA MRTPI

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

Decision date: 12 December 2016

Appeal A: APP/E2734/C/16/3145410

The land situate and known as Stream Corner, 16 Park Edge, Harrogate, North Yorkshire, HG2 8JU

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (the 1990 Act) as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr X Ji against an enforcement notice issued by Harrogate Borough Council.
 - The enforcement notice, numbered 15/00526/PR15, was issued on 4 February 2016.
 - The breach of planning control as alleged in the notice is: without planning permission the construction of an aluminium framed greenhouse as indicated in the approximate location on the attached plan as outlined in blue.
 - The requirement of the notice is to remove the aluminium framed greenhouse and all materials used in its construction from the land.
 - The period for compliance with the requirement is one month.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) and (g) of the 1990 Act as amended. Since an appeal has been made on ground (a), an application for planning permission is deemed to have been made under s177(5) of the Act.
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Appeal B: APP/E2734/W/16/3145407

Stream Corner, 16 Park Edge, Harrogate, North Yorkshire, HG2 8JU

- 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 Xuhua Ji against the decision of Harrogate Borough Council.
 - The application ref: 15/04736/FUL, dated 19 October 2015, was refused by notice dated 7 December 2015.
 - The development proposed is a greenhouse in the garden.
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DECISIONS

1. Appeal A is allowed, the enforcement notice is quashed and planning permission is granted on the application deemed to have been made under section 177(5) of the 1990 Act as amended for the development already carried out, namely the construction of an aluminium framed greenhouse at the land situate and known as Stream Corner, 16 Park Edge, Harrogate, North Yorkshire, HG2 8JU.
2. Appeal B is allowed and planning permission is granted for a greenhouse in the garden at Stream Corner, 16 Park Edge, Harrogate, North Yorkshire, HG2 8JU in accordance with the terms of the application ref: 15/04736/FUL, dated 19 October 2015, and the plans submitted with it.

Appeal A on Ground (a), the Deemed Planning Application and Appeal B

Main Issue

3. The main issue is the effect of the greenhouse on the character and appearance of the Harrogate Conservation Area (CA), within which the building is located.

The Appeal Site and Greenhouse

4. The appeal site is a large residential plot with a detached dwellinghouse at the end of a cul-de-sac. The greenhouse stands side-on to the turning circle in the road behind an outbuilding, and it backs onto 9 Park Edge. It is some 3.8m wide, 9.8m long (with a veranda), 2.2m high to the eaves and 3.8m high to the ridge.
5. The greenhouse stands on a coursed stone plinth; it also has a stone-built rear elevation, but otherwise it is constructed with a white aluminium frame. The frame holds solar panels on the south-west facing roof slope, but all other panels in the building are glazed, including the doors into the greenhouse from the garden and the veranda. The veranda is formed by the stone plinth and covered by the greenhouse roof. Separate sets of steps lead to the greenhouse and veranda from the garden; the roof is supported by a pillar at the end of the veranda steps.

The Statutory and Policy Context

6. Under s72(1) of the *Planning (Listed Buildings and Conservation Areas) Act 1990* (PLBCA), these appeals must be determined with special attention being paid to the desirability of preserving or enhancing the character or appearance of the CA. This statutory duty carries 'considerable importance and weight', but 'preservation' can be achieved by development which leaves the character or appearance of a conservation area unharmed.
7. The *National Planning Policy Framework* (the Framework) expects that heritage assets, including conservation areas, are conserved in a manner appropriate with their significance. Where a development would lead to less than substantial harm to the significance of the asset, the harm should be weighed against the public benefits of the proposal. The Framework also expects development to respond to local character and reflect the identity of its local surroundings and materials.
8. *Harrogate Core Strategy* (CS) Policies EQ2 and SG4 expect development to protect the quality of the natural and built environment; incorporate high quality locally distinctive design; be well-integrated with and complementary to neighbouring buildings and the spatial qualities of the area; be appropriate to the form and character of the settlement and/or landscape; and protect visual amenity.
9. Saved Policy HD20 of the *Harrogate District Local Plan* (LP) expects development to make a positive contribution to the spatial quality of the area; respect the character and layout of the area; respect the local distinctiveness of existing buildings, settlements and their landscape setting; respect the scale, proportions and height of neighbouring properties; make, in important locations, a particularly strong contribution to the visual quality of the area; and use materials which respect those of neighbouring buildings and the surrounding area.
10. LP Policy H15 permits house extensions provided there is no unacceptable loss of garden space or detriment to the character or appearance of the dwelling or area. This policy is relevant to the appeals, since a domestic outbuilding can be deemed as an adjunct to a dwelling. CS Policies EQ2 and SG4, and LP Policies HD20 and H15 are consistent with the Framework and carry considerable weight.
11. Saved LP Policy HD3 does not permit development which has an adverse effect on the character or appearance of a conservation area. This wording is not consistent with the PLBCA Act or the Framework, but policy carries a little weight insofar as its aim, set out in LP paragraph 6.22, is to implement the statutory duty.
12. The Council's *House Extensions and Garages Design Guide* (HEGDG) expects that outbuildings do not impact detrimentally on the space about buildings or result in

loss of trees; are smaller in scale than and ancillary to the house; are not over-dominant in relation to surrounding properties; and reflect the style, shape, features and materials of the house. The HEGDG also advises that solar panels should be sited on the least visible roof slopes where possible and be flat against the roof. Highly visible solar panels may not be acceptable in conservation areas.

Reasons

13. The Harrogate CA is a large conservation area which covers the centre and surrounding areas of this distinctive and elegant town. The appeal site lies within Character Area I of the CA, as defined by the *Harrogate Conservation Area Character Appraisal*; this is a mainly residential area which is dominated by large and well-designed inter-war dwellinghouses set in generous plots. The area falls slightly from north to south, and down to Hookstone Beck – the course of which is reflected in the large gardens and extensive tree cover of adjacent properties.
14. I saw that there is variety in building styles and details in and around Park Edge, but this reflects the quality of the local architecture and does not undermine the cohesion or character of the area. Some houses have been refurbished and/or extended, such that their replacement window frames, conservatories and garden outbuildings, but the appearance of the CA has been essentially preserved.
15. The house on the appeal site is not a listed building but it is a substantial inter-war property with graceful bay windows, and it is faced in local stone and render. Its extensive garden is landscaped and enhanced by mature trees, some of which are protected by a Tree Preservation Order dating back to 1990. The house, garden and trees make a positive contribution to the character and appearance of the CA.
16. The Council and local residents object to the scale of the appeal greenhouse and I saw that it is larger than most outbuildings in this area. However, it is separated from, smaller than and clearly ancillary to the original dwelling. It is proportionate to the extensive grounds on the site and not over-dominant in relation to any nearby property. I also find that the greenhouse has both a conventional form and enhanced detailing, including through the design of its roof and the veranda, such that it is sensitive to the character and distinctiveness of the landscape.
17. It is not unusual for greenhouses to be made of aluminium, even within established residential areas. Greenhouses are also traditionally white – and the frame of this structure looks similar to the upvc used, albeit to a lesser extent, on the appeal house. The stone plinth matches the original building and serves to soften the white aluminium. The solar panels cover a long roof slope, but they are orientated towards the garden and domestic in size; they fit neatly into the frame. In my view, the materials of the greenhouse are congruous to its function and setting.
18. Local residents also object to the siting of the greenhouse. I saw that it is higher and wider than the outbuilding to its side, and taller and brighter than the mixed vegetation by the front boundary wall. For these reasons, and since the road slopes down to the turning circle, the greenhouse is visible from Park Edge above the intervening structures and plants – and it is seen to stand in front of mature trees.
19. Even from here, however, the greenhouse does not look obtrusive or detract from the character or appearance of the CA. It is visibly subservient to the house and plot, and designed for its use and context. It looks like a domestic building that is commensurate to the size of the property and the quality of the landscape. I also find that the siting of the building close to the road reflects the layout of nearby properties, preserves the spacious character of the appeal garden and serves to protect trees on the site from encroachment.

20. The greenhouse can be glimpsed from Hornbeam Crescent and Hookstone Road – but only from a distance and through woodland. It can be seen from adjacent properties, as discussed further below, but its siting, size and design are such that it will assimilate into views of the area once ‘the shock of the new’ has subsided. Overall, I find that the greenhouse does not harm but has a neutral or preserving effect on the character and appearance of the CA.
21. The appellant and then the Council proposed that the enforcement notice is varied to require additional landscaping on site and/or that the greenhouse is painted a different colour. The appropriate means of requiring such measures would be to impose conditions on a planning permission, but that would not be necessary in this case because the development does not cause unacceptable harm as it stands.
22. I conclude that the greenhouse preserves the character and appearance of the CA. It conserves the heritage asset in a manner appropriate with its significance and so it is not necessary for me to weigh the public benefits of the development. The greenhouse does not conflict with CS Policies SG4 and EQ2, LP Policies HD20, HD3 or H15, the HEGDG or the Framework.

Other Matters

23. The occupier of 9 Park Edge has pointed out that conifers on the boundary by the rear elevation of the greenhouse would have a limited lifespan. Even so, I consider that the building is sited and designed so as to avoid causing an unacceptable loss of light, outlook or privacy next door. I also find that, although the greenhouse is glazed and close to a tennis court at no. 9, it is of robust construction and there is no evidence of any unacceptable safety risk.
24. The greenhouse is too far from other properties to cause unacceptable harm to the living conditions of any neighbouring occupier. It has been built and proposed for use as part of or incidental to the enjoyment of the dwelling, and so any material change of use would be development that requires planning permission.
25. I cannot speculate about the planning status of the outbuilding on the site, but it is too small to affect the visual impact of the development before me. Since I have found the greenhouse acceptable on its merits and compliant with planning policy, allowing these appeals would not set an undesirable precedent.

Conclusions

26. For the reasons given and with regard to all other matters raised, I conclude that Appeal A should succeed on ground (a), the DPA should be approved and Appeal B should be allowed. It follows that the grounds of appeal (f) and (g) made in respect of Appeal A do not fall to be considered. It is unnecessary to impose any planning conditions, since the development is completed, but the permission granted in respect of Appeal B shall refer to the plans submitted with the application.

Jean Russell

INSPECTOR