



Appeal Decision

Site visit made on 27 January 2017

by Peter D Biggers BSc Hons MRTPI

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

Decision date: 8 February 2017

Appeal Ref: APP/E2734/D/16/3164461
15 Wedderburn Close, Harrogate HG2 7QP

- 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 and Mrs R Stevens against the decision of Harrogate Borough Council.
 - The application Ref 6.79.13294.FUL, dated 6 July 2016, was refused by notice dated 20 September 2016.
 - The development proposed is two storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for two storey side extension at 15 Wedderburn Close, Harrogate HG2 7QP in accordance with the terms of the application, Ref 6.79.13294.FUL, dated 6 July 2016, and the plans and documents submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.
 - 2) The development hereby permitted shall be carried out in strict accordance with the following approved plans: Location Plan and 16/021A.
 - 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.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no window or other opening (other than those expressly authorised by this permission) shall be constructed in the north-east and south-east facing sides of the extension hereby permitted.

Main Issue

2. The main issue is whether the proposed development would have an adverse impact on the living conditions of present and future occupants at No 13 Wedderburn Close in terms of proximity, outlook and privacy.

Reasons

3. Wedderburn Close forms a U shaped loop off Wedderburn Avenue and comprises pairs of semi-detached, two storey dwellings in brick and tile. Each of the pairs on the corner plots, such as No 15 and its neighbour No 82 Wedderburn Avenue, are set at an angle to the road in substantial, although tapering, plots. The proposed
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side extension would be on the west side of the neighbouring property No 13 and at a slightly higher level than it. No 13 itself also stands on a large triangular corner plot with a relatively small courtyard garden and conservatory to the rear. It is in part separated from No 15 and the proposed extension by its own single storey garage located along the common boundary.

4. The side extension has been designed to minimise the opportunity for any overlooking of No 13. There would be no first floor windows looking towards No 13 and the windows at ground floor level would light the garage, a small cloakroom toilet and the extended kitchen. Although the new window to the extended kitchen would face towards the rear garden area of No 13, the boundary fence would prevent any direct overlooking. In any event the existing kitchen window and dining room already affords views in this direction. I am satisfied that there would be no significant additional overlooking and a condition could be imposed removing permitted development rights to ensure no windows were inserted particularly at first floor level in the north-east and south-east facing sides of the extension.
5. I was invited to view the proposed extension from the neighbouring property at No 13 and the neighbour at the site visit asked me to consider the impact of the proposed extension on light levels to the kitchen. The kitchen is lit by an internal window into the conservatory facing south west and a glazed kitchen door facing north west. The positioning of the extension below the level of the host dwelling's main roof would mean that even when the sun is lower in the west any additional impact on levels of light to the kitchen at No 13 and indeed other windows as a result of the extension would be minimal.
6. It has been put to me that the proximity of the proposed extension to the conservatory at No 13 and the rear garden area would be overbearing in part due to the separation distance and in part the slightly elevated position of No 15 relative to No 13. The *Harrogate House Extension and Garages Design Guide* (HEGDG) recommends a face to face separation of 12 metres between a 2 storey extension with no first floor windows and a neighbouring dwelling's main windows. Even with the revised plan submitted by the appellant to reduce the depth of the extension at first floor level the separation distance to the conservatory is slightly less than the guide distance.
7. However for a number of reasons I am satisfied that the extension would not be unduly overbearing. Firstly it would be approximately 12 metres to the main sitting area of the conservatory. The closest part of the conservatory is actually circulation space. Secondly the relationship between the conservatory and the extension would not be face to face as set out in the HEGDG. The closest point of the extension would actually be its eastern corner with the two faces of the extension running away from the conservatory. Moreover the outlook from the conservatory and garden would not be solely towards the extension there remains an outlook south westwards along the back of the appeal property and No 82 Wedderburn Avenue. I acknowledge that the floor level of No 15 is slightly above that of No 13 but the difference is not large and the finished relationship between the two properties would not be significantly different to relationships elsewhere in the estate. For these reasons I am satisfied that the extension would not be so overbearing as to constitute the sole reason to dismiss the appeal.
8. The *National Planning Policy Framework* (the Framework) seeks a high standard of design in all development which is not limited simply to the appearance of the development. The Core Principles at paragraph 17 require development to secure a good standard of amenity for all existing and future occupants of land and

buildings. Policy SG4 of the *Harrogate Core Strategy* (HCS) in seeking to protect residential amenity and saved policies H15 and HD20 of the *Harrogate Local Plan* (HLP) in requiring that there is no adverse effect on neighbouring residential amenity are consistent with the Framework.

9. In terms of the impact the extension would have on its neighbour at No 13 clearly there would be a difference over the current relationship. However, for the reasons above, I am satisfied that the orientation of the extension to its neighbour and the setting back of the first floor would not result in a detrimental effect on living conditions for the occupants of No 13. The relationship would be acceptable and it would not be overbearing on the garden or conservatory seating area of No 13. As such the proposed extension would not conflict with HCS policy SG4, HLP policies H15 and HD20, or the Framework.

Other Matters

10. The appellants in their statement request that they wish both the original larger scheme with the full depth first floor and the revised scheme with the cut back first floor considered at this appeal. Procedurally, as the full depth scheme was sent to me marked 'superseded' and the Council determined the scheme on the basis of the revised plans with a cut back first floor and a lower roof ridge, the original proposal is not before me. In any event, having assessed the relationship on site between the two properties, I am satisfied that the full depth scheme would have an unacceptable impact on living conditions for the occupant at No 13. It would also not be sufficiently subordinate to the host dwelling and result in a detrimental impact in respect of character and appearance.

Conditions and Conclusions

11. I have considered the conditions suggested by the Council against the advice in the *Planning Practice Guidance* (the Guidance) and for their clarity. A condition requiring development to be carried out in accordance with the submitted plans is necessary as this provides certainty that the development would be carried out in the form proposed. A condition requiring matching materials to be used on the external surfaces of the building should also be imposed to protect the character and appearance of the dwelling and of the surroundings to the development. In order to protect the present and future occupants of the neighbouring property at No 13 from loss of privacy a condition removing permitted development rights in respect of inserting additional windows in the north east and south east facing sides of the extension is necessary.
12. I have considered the matters before me and, for the reasons given above, I conclude that the appeal should be allowed and permission granted for the extension subject to the conditions above.

P. D. Biggers

INSPECTOR