

Appeal Decision

Site visit made on 10 January 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 16 February 2017

Appeal Ref: APP/E2734/W/16/3160196

**South View, Sawley Hall Lodge to Low Gate Lane, Sawley, North Yorkshire
HG4 3EE**

- 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 Mrs J M Hainsworth against the decision of Harrogate Borough Council.
 - The application Ref 6.51.22.A.FUL, dated 27 July 2015, was refused by notice dated 7 June 2016.
 - The development proposed is 2 no detached dwellings on land to the south and east of South View.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this appeal is the effect of the proposal on the living conditions of residents of South View and Plot 1, with particular regard to noise and disturbance from vehicles, privacy and outlook.

Reasons

3. The residents of South View have expressed concern that the proposal would harm their amenity due to, amongst other things, the proximity of the driveway and parking areas to their property. They state that the movement of vehicles adjacent to two elevations of their property would cause disturbance and that there would be a loss of privacy resulting from the comings and goings from the proposed dwellings. In response, the appellant states that the location of the shared access is such that it would not cause a lack of privacy or harm to amenity.
 4. South View is currently bounded to the north by the property's driveway and to the west by one of the roads leading into the village. The proposal would introduce a shared driveway adjacent to the southern boundary of South View and a parking/circulation area in close proximity to the eastern boundary. This would introduce noise and disturbance from vehicle movements, engines starting, car doors closing etc. as well as visual disturbance from car lights and the passing of vehicles and pedestrians. In effect, South View would be bounded on all sides by some form of vehicle movement, be it a public highway or private driveways/circulation areas.
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5. I saw on my site visit that the boundary between South View and the appeal site consists of a post and wire fence which would provide no screening from vehicle and pedestrian movements associated with the proposal. Such movements would be readily apparent to residents of South View.
6. I acknowledge that the amount of traffic associated with two dwellings would be limited. However, the proposal would introduce vehicle and pedestrian movements in very close proximity to the site boundary and into an area where no such activity currently exists. The shared driveway for the properties would be directly adjacent to the boundary of South View. Furthermore, the proposal would introduce parking manoeuvres in close proximity to the boundary, particularly in relation to Plot 2. Due to the proximity of the driveways and parking areas to the site boundary and their extent along the boundary, I conclude that the proposal would cause undue harm to the residents of South View as a result of noise and disturbance.
7. I also consider that the driveway and parking areas would be detrimental to the privacy of residents of South View. The shared driveway would enable a direct view from vehicles and pedestrians passing directly adjacent to the southern boundary of the property, affecting the garden and an elevation of the property which contains main habitable rooms and a conservatory. The driveway and parking area of Plot 2 would also introduce vehicle and pedestrian movements in close proximity to the eastern elevation and garden area of South View.
8. I acknowledge that the boundary treatment could be replaced by a solid feature such as a low wall or fence to improve screening. However, I consider that the comings and goings would still be readily apparent to the residents of South View. More effective screening could be provided by a higher wall/fence, but this in itself would be detrimental to the residents of South View as a result of an overbearing and enclosing effect on the property.
9. The Council's reason for refusal refers to the scale and siting of the dwelling on Plot 2 which it states would unduly overbear and overlook South View as well as the proposed dwelling on Plot 1.
10. In relation to an overbearing effect, the dwelling on Plot 2 would be a bungalow, albeit with rooms in the roofspace. I consider that the height and massing of the proposal would not be excessive, and due to this and the separation distances and arrangement at an angle to the adjacent properties it would not have an overbearing impact.
11. In relation to overlooking, the bedroom window on the north west elevation of the dwelling on Plot 2 would be within 5m of the boundary of South View contrary to the recommended separation distance in the Council's Design Guide¹. However, this window would primarily overlook an offshoot to the rear garden rather than the main garden area, and I consider it would not lead to an undue loss of privacy for residents of South View. A rooflight in the south west elevation would face onto Plot 1, but this would serve a landing rather than a main habitable room and the appellant confirms that the rooflight would be above head height. On this basis, I consider that the proposed dwelling on Plot 2 would not lead to undue overlooking of nearby properties.

¹ House Extensions & Garages Design Guide Supplementary Planning Document 2005.

12. Notwithstanding my comments in relation to the effect of an overbearing appearance and overlooking with regard to the proposed dwelling on Plot 2, I conclude that the driveway and parking areas of the proposal would be harmful to the living conditions of residents of South View due to noise, disturbance and loss of privacy. The proposal would therefore be contrary to Policy HD20 of the Harrogate District Local Plan 2001 which states, amongst other things, that development should respect the privacy and amenity of nearby residents. The proposal would also conflict with Policy SG4 of the Harrogate District Core Strategy 2009 which states that visual, residential and general amenity should be protected. The proposal would also be contrary to the National Planning Policy Framework (the Framework) which seeks a good standard of amenity for all existing and future occupants of buildings.

Other Matters

13. I am mindful of the benefits that would arise from the proposal. The two dwellings proposed would add to the supply and mix of housing, albeit to a limited degree, in an area where the Council states that it cannot demonstrate a five year supply of housing sites. The proposal would provide economic benefits through employment in the construction sector and in the supply chain during the construction period. Residents of the dwellings would also add to the support of local businesses and services in the area. However, I consider that the harm to the living conditions of nearby residents identified previously would significantly and demonstrably outweigh these benefits. The proposal is contrary to the policies of the development plan and material considerations do not indicate that the proposal should be determined otherwise than in accordance with the development plan.
14. A number of objectors have referred to the effect of the proposal on the windows of a property to the east of the site. I saw on my site visit that there is a single storey building which has a number of windows which look directly onto the site or are in very close proximity to the site boundary, including a large bay window with obscured glazing. However, I was unable to determine the layout and nature of the rooms served by these windows and insufficient information has been presented to me to enable me to reach a conclusion on this issue. Had I been minded to allow the appeal this is an issue I would have examined in more detail.
15. The site is located within the Nidderdale Area of Outstanding Natural Beauty (AONB) and is therefore within an area which has the highest status of protection in relation to landscape and scenic beauty as stated in paragraph 115 of the Framework. However, I note that the Council Officer's report on the planning application states that the proposal would not harm the countryside of the AONB. On the evidence before me, I see no reason to disagree.
16. I have had regard to the concerns raised locally in relation to issues including loss of parking, highway safety, drainage, the capacity and location of sewers, effect on trees and hedges, loss of a stone building, the relationship to the village boundary, design, layout, use of materials, overshadowing, site levels, accuracy of plans and the effect on protected species. However, these matters do not add to my reasons for dismissing this appeal.

Conclusion

17. For the reasons given above, and having regard to all other matters raised, it is concluded that the appeal should be dismissed.

David Cross

INSPECTOR