
Appeal Decision

Site visit made on 27 February 2017

by Alison Partington BA (Hons) MA MRTPI

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

Decision date: 6th March 2017

Appeal Ref: APP/E2734/W/16/3162504

Land to rear of 6 - 14 Tentergate Road, Knaresborough HG5 9BG

- 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 Sally Rae against the decision of Harrogate Borough Council.
 - The application Ref 6.100.2793.A.FUL, dated 11 August 2016, was refused by notice dated 13 October 2016.
 - The development proposed is the demolition of a row of garages and construction of a bungalow with associated car parking and amenity space.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in the appeal are:
 - Whether or not the proposed development would provide adequate living conditions for future occupiers having particular regard to outlook and private outdoor space; and
 - The effect of the proposal on the character and appearance of the area.

Reasons

Living Conditions

3. The appeal site is located at the rear of a number of properties on the surrounding roads. It currently contains a row of garages as well as providing access to the rear garages and parking areas for a number of houses on Boroughbridge Road. It is proposed to demolish the row of garages and the proposed bungalow would be positioned with its front elevation facing the boundary with the properties on Tentergate Road. As these dwellings are at a lower level than the appeal site a high fence along the boundary would be necessary to ensure adequate privacy was maintained.
 4. The front elevation would contain the only windows to the lounge and to one of the bedrooms in the proposed bungalow. These would only be around 7m from the boundary. Given this limited distance to what would need to be a high boundary fence, I am not satisfied that these rooms would be provided with an adequate outlook. This conclusion is further substantiated by the fact that this intervening area would not only provide parking and turning space for the proposed dwelling, but turning space for users of the garages along the eastern edge of the site.
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5. The bungalow would be provided with a garden area to the rear of the property. Although not as long as those of the surrounding houses, it would be wider, and overall I consider it would be an adequate size for a two bedroom dwelling. However, it would be surrounded on all sides by the other houses. Whilst within urban areas a degree of overlooking of rear gardens is often possible from the neighbouring dwelling, in this case the number of houses that would overlook this garden would result in this area having very little privacy.
6. In addition, the position of the access track to the garages and the parking areas for the adjacent houses to one side of the proposed garden, would create noise and disturbance from the manoeuvring and turning of the vehicles, and shutting of car doors. In my view, this would make the noise and disturbance in the back garden more akin to that of a front garden, and would be particularly noticeable and intrusive in the summer months, when the gardens are likely to be used more intensively, and windows left open to improve ventilation.
7. This, combined with the lack of privacy and the fact that it faces north, would constrain the usability of the outdoor space, and would mean that it was unlikely to be a pleasant place to spend time.
8. Consequently, I consider that the proposed development would not provide adequate living conditions for the future occupiers with particular regard to outlook, and the provision of outdoor space. I note that in this respect it would not actually conflict with Policy HD20 of the *Harrogate District Local Plan (adopted February 2001)* (HDLP) and Policy SG4 of the *Harrogate District Core Strategy (adopted February 2009)* (HDCS) which only require developments to respect the amenity of nearby residents. Nevertheless, it would be contrary to the core planning principle (paragraph 17) of the *National Planning Policy Framework* (the Framework) that planning should seek to secure high quality design, and a good standard of amenity for all existing and future occupants of land and buildings.

Character and Appearance

9. The area surrounding the appeal site consists largely of semi-detached houses of a similar age and design, although there are also detached houses and bungalows. Generally the houses are set back from the road with modest front gardens, although I did note a few properties on Tentergate Lane which were set back a greater distance from the road. The location of the proposed dwelling, with no road frontage and accessed by a long drive, would thus not follow the general pattern of development within the vicinity, and would therefore be of a different character. Nevertheless, the location of the site is such that there would be very limited visibility of the bungalow from the public realm, and its impact on the street scene would be minimal.
10. Consequently, the proposed development would not unacceptably harm the character and appearance of the area. Accordingly, there would be no conflict with Policy HD20 of the HDLP and Policy SG4 of the HDCS which, amongst other things, seek to ensure that development respects, integrates and complements the character of the area.

Other Matters

11. The Framework sets out in paragraph 47 that to significantly boost the supply of housing, local planning authorities should be able to demonstrate a 5 year supply of deliverable housing sites. The Council acknowledge that they currently cannot do this as the latest figures show a 4.87 year supply.
12. It is not disputed by the parties that the site is in an accessible location within the town of Knaresborough. It would also result in the re-use of a previously developed site. These are matters that favour the scheme.
13. The construction of the dwelling would provide some temporary work for local contractors, and spending by future occupiers would benefit the local economy. However, given the size of the development these benefits would be limited. In addition, the proposal would make a very small contribution to housing supply in the area.
14. Although, the existing access to the site is substandard, as the proposal would result in the loss of 7 garages, overall the appeal scheme would not result in an increase in traffic movements along the track. As a result, subject to conditions, there is no objection from highways to the proposal, and nothing I have seen or heard leads me to come to a different conclusion on this matter. However, an absence of harm in this regard is a neutral factor.

Conclusion

15. In the absence of a 5 year housing land supply paragraph 49 of the Framework indicates that housing applications should be considered in the context of the presumption in favour of sustainable development, and that relevant policies for the supply of housing should not be considered up to date. In circumstances where relevant policies are out of date, paragraph 14 of the Framework indicates permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the Framework as a whole.
16. In this case, although I have concluded the scheme would not unacceptably harm the character and appearance of the area, it would not provide satisfactory living conditions for future occupiers. Whilst I have given consideration to the benefits of the scheme, these are significantly outweighed by the adverse impacts. Therefore, for the reasons set out above, I conclude the appeal should be dismissed.

Alison Partington

INSPECTOR