

Appeal Decision

Site visit made on 14 February 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 24 March 2017

Appeal Ref: APP/E2734/D/16/3164441

Fell View, Grange Road, Dacre Banks, Harrogate HG3 4ED

- 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 / Mrs Mike Kernall against the decision of Harrogate Borough Council.
 - The application Ref 6.65.69.B.FUL, dated 10 August 2016, was refused by notice dated 17 October 2016.
 - The development proposed is to excavate front garden (part); rear single storey extension (garden room) including flat roof and lantern light.
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 7 March 2017.

Decision

1. The appeal is dismissed insofar as it relates to the rear single storey extension (garden room) including flat roof and lantern light. The appeal is allowed insofar as it relates to the excavation of the front garden (part) at Fell View, Grange Road, Dacre Banks, Harrogate HG3 4ED in accordance with the terms of the application, Ref 6.65.69.B.FUL, dated 10 August 2016, subject to the following condition:
 - 1) The development hereby permitted shall be retained in accordance with the following approved plan: 2242 110 Rev B, only so far as relevant to that part of the development hereby permitted.

Procedural Matters

2. At the time of my visit there was a partly built extension at the rear of the appeal property, amounting to the construction of the side, rear and return elevations. The excavation of the front garden (part) had been carried out. It is clear that the Council considered the application as a partly retrospective application and, having observed the site, I am satisfied that the works that have been carried out thus far are as shown on the submitted drawings. I too have therefore considered the appeal on this basis.
 3. The drawings submitted with the appeal included one (ref: 2282.1) that referred to a different property. Both parties have confirmed that this drawing does not relate to the appeal site, was included in error and did not form part of either party's case. I have determined the appeal accordingly.
 4. For the reasons that follow, I find the proposed excavation of the front garden to be acceptable and it is clearly severable both physically and functionally
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from the proposed rear single storey extension. Therefore, I intend to issue a split decision in this case and grant planning permission for the excavation of the front garden.

Main Issues

5. The main issues are the effect of the development upon:
- The living conditions of occupiers of Woodbine House, with particular reference to outlook and sunlight/daylight; and
 - The character and appearance of the Nidderdale Area of Outstanding Natural Beauty.

Reasons

Living Conditions

6. The appeal property is set back from the roadside, behind the adjacent buildings on either side which are positioned directly abutting the rear of the pavement and sit forward of the appeal property. The excavated front garden area is set at a lower level than the gravelled parking area which lies between it and the roadside, and is enclosed by retaining walls and a timber fence. Due to its sunken and enclosed nature it does not afford views towards neighbouring properties. It is noted that the Council's reasons for refusal do not refer to the excavation of the front garden and that this matter is not a point of dispute between the parties. I see no reason to disagree and I conclude that this element of the proposal would not cause harm to the living conditions of occupiers of neighbouring properties.
7. Turning to the remainder of the development, the south facing elevation of the neighbouring dwelling, Woodbine House, faces towards the gable elevation of Fell View and the flank elevation of the part-built rear extension. There are two ground floor windows on the south facing elevation of that property; one that looks directly onto the main gable elevation of the appeal property, the other directly adjacent to the part-built extension.
8. Due to the relationship between Fell View and Woodbine House, I find the scale, massing and bulk of the flank wall of the extension to be a significant and imposing presence close to the second of these windows at the latter property. The flat roofed nature of the extension's design emphasises and exaggerates both its height and its projection from the rear wall of the main house, such that, with limited distance between the two, it would appear as a dominant and imposing feature when viewed from this window at Woodbine House.
9. I acknowledge that an extension has previously been approved¹ in the same location as the current scheme at the rear of Fell View. However, I am satisfied that the current scheme is significantly and materially different to that previously considered to be acceptable by the Council in two key areas.
10. Firstly, the current scheme projects in the region of 0.4 metres further from the rear wall of the main house. Secondly, the flat roofed design and height of the flank wall introduces additional bulk and massing to that wall at the point

¹ Application Ref: 15/03144/FUL

at which it is opposite the neighbouring property's window in a manner that the previously approved scheme would not have done. These factors add to the already significant presence of Fell View and its existing two storey rear extension in the outlook from Woodbine House, the cumulative effect of which would be harmful to the outlook from, and daylight enjoyed by, Woodbine House. For these reasons, I conclude that the proposal would therefore have an adverse effect on the living conditions of occupiers of Woodbine House.

11. I acknowledge that the current scheme has a slightly greater inset from the rear corner of the main house than that previously approved. This, in turn, results in a slightly greater degree of separation between the two properties than would have been the case. I note too that the window in question at Woodbine House is not the only window serving that room, and that beyond the corner of the extension as built the south easterly aspect is largely open across the broad valley floor. However, these factors are not sufficient to offset the extra bulk and massing that I have identified above, or to negate the significant visual presence of the extension's flank wall through that room's south facing window.
12. Whilst the extension may result in some additional overshadowing and loss of direct sunlight at certain times of the day, the orientation of the main dwelling at Fell View is such that this is more likely to be the largest influencing factor on direct sunlight. However, although the matter of loss of direct sunlight is not determinative in itself, the extension's bulk, scale and massing, and its proximity to Woodbine House, would nonetheless result in an oppressive and overbearing form of extension that would have a dominating presence when viewed from the side of Woodbine House.
13. Thus, for the reasons set out, I conclude that the flat roofed single storey rear extension would result in unacceptable harm to the living conditions of occupiers of Woodbine House in terms of outlook. The proposal would therefore fail to accord with Harrogate Core Strategy (CS) Policy SG4 and with saved policies H15 and HD20 of the Harrogate District Local Plan (2001, as altered 2004) (LP) which together require that all development proposals respect and have no adverse effects on neighbouring residential amenity.

Character and Appearance

14. The excavated front garden area is set at a lower level than surrounding land and, by virtue of the layout of surrounding buildings and the timber fence that separates the excavated area from the gravel parking area, is not widely visible. I conclude that this element of the scheme does not harm the character and appearance of the surrounding area, or that of the Nidderdale Area of Outstanding Natural Beauty (the AONB)
15. With regard to the remainder of the proposal, it does not differ significantly in terms of its footprint proportions from that previously approved. It fills in the angle between the main house and the previous two storey rear element at the appeal property, and its footprint dimensions are broadly consistent with the overall scale and proportions of the main house.
16. However, although previously extended, Fell View nonetheless retains a modest, cottage-like character. In this instance, the bulk and massing of the extension's elevations, particularly the extent of stonework above the large east facing opening, would give it an ungainly, top-heavy appearance, whilst

the lantern roof and orangery-type design would not sit comfortably with the more modest nature of the host property. It would, I conclude, be at odds with the character and appearance of the existing property and would dominate the rear elevation of Fell View.

17. Although not widely visible from public vantage points, the rear of Fell View is not unobserved and there is clear inter-visibility between the rear and the rears of properties on Church View, to the north east. The site lies within the AONB and the Nidderdale Valley (Summerbridge to New Bridge, Birstwith) landscape character area (Area 13)² where the use of, and encouragement to protect and promote, the local vernacular is noted as a particular aim, something that I conclude the appeal proposal would fail to achieve. The lack of wider public views is no basis for allowing the appeal proposal given the harm that would result to the character and appearance of the appeal property, which would also not protect or promote the local vernacular. Thus, I find that the proposal would be contrary to CS policies SG4 and EQ2, and saved LP policies H15 and HD20. Together these policies seek to ensure high quality locally distinctive design that avoids harm to the character or appearance of the host dwelling.

Other Matters

18. The appellant points to a proposal for the extension of Woodbine House that would remove the south facing window as referred to in my consideration above. However, I have not been provided with any further information regarding that proposal other than a copy of a proposed drawing, nor have I been made aware of the status of that proposal. It had not been constructed at the time of my site visit, however, and I have no indication that its construction is either imminent or likely. In any event, I have considered the appeal proposal on its merits and in the context of its surroundings at the time of my site visit. Accordingly, I give this matter only limited weight.
19. A number of other matters have been raised by the appellant, including previous discussions between the appellant and the neighbour regarding their respective proposals, replacement fence between the properties and access to the appellant's property to take photographs. I have, however, considered the appeal on its merits, whilst matters relating to access to the appellant's property and previous discussions between the parties are private matters between the parties involved and I have not considered these further.

Conditions

20. I have considered the Council's list of suggested conditions in light of the National Planning Policy Framework and Planning Practice Guidance. However, I intend to issue a split decision and allow the appeal insofar as it relates to the excavation of the front garden. As I find that element of the scheme to be acceptable and has been carried out, I have imposed a condition specifying the approved drawing that relates only to that element of the proposal.

Conclusion

21. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed insofar as it relates to the

² Harrogate District Landscape Character Assessment, 2004

excavation of the front garden and dismissed insofar as it relates to the rear single storey extension (garden room) including flat roof and lantern light.

Graeme Robbie

INSPECTOR