The Planning Inspectorate

# Appeal Decision

Site visit made on 17 July 2017

**by Caroline Mulloy BSc (Hons) DipTP MRTPI**

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

**Decision date: 28 July 2017**

**Appeal Ref: APP/E2734/W/17/3173594**
**20 Bondgate Green, Ripon HG4 1QW**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant consent, agreement or approval to details required by a condition of a planning permission.
- The appeal is made by Mr Roland Trentini against the decision of Harrogate Borough Council.
- The application Ref 16/05564/DISCON, dated 18 December 2016, sought approval of details pursuant to condition No 4 of a planning permission Ref 13/02280/COU, granted on 14 October 2013.
- The application was refused by notice dated 30 January 2017.
- The development proposed is 6' wooden fence panels.
- The details for which approval is sought are: boundary treatment and retention of vehicle parking.

## Decision

1. The appeal is dismissed.

## Procedural Matter

2. A timber fence and gate had been erected at the time of the submission of the application and my site visit. The application is, therefore, retrospective and I shall deal with the appeal on this basis.

## Background

3. Planning permission was granted for the change of use from hotel guest house to 3 dwellings (site area 0.06 ha) at 20, 21 and 22 Iddesleigh Terrace, Bondgate Green on 14 October 2013. The application seeks to discharge condition 4 relating to boundary treatment and retention of vehicle parking, the only remaining condition requiring discharge.

4. Condition 4 states '*Notwithstanding the provision of any Town and Country Planning General Permitted or Special Development Order for the time being in force relating to "Permitted Development", prior to any subdivision or enclosure of the rear yard in relation to individual curtilage boundaries, details shall be submitted for the written approval of the Local Planning Authority which specify the type and height of any boundary treatment and shows the retention of vehicle parking. Once approved the development shall continue in accordance with the approved details and retained for the life of the development unless otherwise approved in writing by the Local Planning Authority*'.

5. The reason for the condition is stated as 'In the interests of the general amenity of the development and the appearance of the Conservation Area in accordance with the provisions of Core Strategy Policy SG4 and 'saved' Local Plan policy HD3'.

## Main Issues

6. The main issue in this case is the effect of the proposal on the character and appearance of the area and Ripon Conservation Area.

## Reasons

7. The appeal site comprises a mid-terraced property forming part of Iddesleigh Terrace on Bondgate Green. The terrace is situated within Ripon Conservation Area and backs onto a footpath which runs alongside the River Skell near Canal Wharf.

8. A timber fence and gate has been erected along the boundary with no 21. The fence is approximately 6' high and comprises horizontally boarded panels with trellis above and incorporates a sliding gate of the same design. Plastic grass has been laid over the applicant's yard and two parking spaces are provided. The Council indicate that the height and boundary treatment are considered acceptable and that the parking spaces required by condition 4 (and condition 3) have been provided. From everything which I have seen in submissions and on my site visit I have no reason to disagree.

9. Furthermore, the fence and gate are consistent with those associated with surrounding properties. Consequently, I consider that the proposal would preserve the character and appearance of the Conservation Area.

10. The condition specifically requires discharge prior to the works taking place and as the works have been implemented the requirement to agree the details at a certain time has not been met. I, therefore, agree with the Council that although the details are acceptable due to the wording of the condition, it cannot be complied with or discharged.

11. The appellant is concerned that the issue is left unresolved and wishes to regularise the matter. However, whilst I understand these concerns, the Council have indicated that as the details are acceptable they would not take any further action. Consideration may wish to be given to the submission of an application under Section 73A of the Town and Country Planning Act 1990 to vary the wording of condition 4, however, this would be a matter for the appellant and the Council.

12. I, therefore, conclude that the submitted details would not harm the character or appearance of the area and would preserve the character and appearance of Ripon Conservation Area. No conflict, therefore, arises with Policy SG4 of the Council's Core Strategy 2009 which seeks to ensure that development is well integrated with and complementary to neighbouring buildings and the spatial qualities of the local area. Neither does conflict arise with saved Policy HD3 of the Harrogate District Local Plan 2001 which seeks to protect the character or appearance of a conservation area. However, for the reasons stated the condition cannot be discharged.

## Conclusion

13. For the reasons stated and taking all other considerations into account the appeal should be dismissed.

*Caroline Mulloy*

Inspector