



Appeal Decision

Site visit made on 24 July 2017

by Caroline Mulloy BSc (Hons) DipTP MRTPI

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

Decision date: 10th August 2017

Appeal Ref: APP/E2734/W/17/3175455

Land adjacent to 5 Westminster Crescent, Burn Bridge, Harrogate, North Yorkshire HG3 1LX

- 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 Matt Welsh against the decision of Harrogate Borough Council.
 - The application Ref 16/05547/FUL, dated 8 December 2016, was refused by notice dated 22 February 2017.
 - The development proposed is erection of detached double garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal site is a garden area situated to the side of 5 Westminster Crescent, close to the junction with Malthouse Lane. Planning permission¹ was granted on 1 March 2016 for a detached dwelling with integral garage. Permission is sought for the erection of a detached garage within the front garden area of this dwelling which has yet to be constructed.
4. Westminster Crescent is characterised by detached dwellings with either integral garages or garages set to the side. Although there are a variety of designs, consistency exists in terms of layout with dwellings set back from the road behind decent sized front gardens thus establishing a broadly consistent building line. Although the gap between houses has been narrowed in some cases at ground floor level, there is nevertheless, separation at first floor level. The separation between properties, the set back from the road and large front gardens contributes to the spacious character of the area.
5. At the time of my site visit clearance was being undertaken in order to implement the original planning permission and the hedge to the front of the site had partly been removed. Despite these alterations, the open nature of the site contributes to the spacious character of the area. In addition, the gable ends of No 5 and No 13 Malthouse Lane provide visual closure which when taken in combination with the

¹ Council reference: 15/05526/FUL

open space enables Westminster Crescent and Malthouse Lane to be read as separate streets in design terms.

6. Section 16 of the Council's House Extensions and Garages Design Guide Supplementary Design Document (SPD) 2005 states that outbuildings, including garages, should normally not be in front of domestic properties unless within developments where there is irregular arrangement of buildings. Outbuildings should not be over-dominant in relation to the existing and surrounding properties. The SPD has been subject to extensive public consultation and attracts significant weight as a material consideration.
7. The proposed garage would be approximately 7m² with a pyramidal roof which would be around 4.5m high. Contrary to the assertion that the proposal would provide design continuity and contribute to the quality of space, the position of the garage to the front of the approved dwelling would significantly disrupt the established building line along Westminster Crescent and be inconsistent with the existing pattern of development. Although the garage is single storey it would reduce the amount of space around the approved dwelling and with properties on Malthouse Lane and also diminish the space to the front which is a characteristic feature of the street scene.
8. Furthermore, although there would be some space around the garage it would, nevertheless, result in the loss of the clear visual break which contributes to the legibility of the street scene. Moreover, the garage would be situated in a highly prominent location on the corner of Westminster Crescent and Malthouse Lane. Taking these factors in combination, I consider that the proposal would be inconsistent with the established pattern of development and be unduly dominant in the street scene and would, therefore, harm the character and appearance of the area.
9. The appellant contends that the appeal site is individual and represents a 'change' point between the residential frontages of Malthouse Lane and Westminster Crescent. Although the approved dwelling would be set slightly forward of No 5 the graduation in the building line would, nevertheless, provide an appropriate transition between No 5 and No 13 Malthouse Crescent. The gable end of the approved dwelling would provide visual closure to the end of Westminster Crescent and the separation between the approved dwelling and No 13 would be maintained thus retaining the appearance of separate streets. In addition, the integral garage would not protrude significantly beyond the principal elevation and would be consistent with that of surrounding properties. Moreover, the front garden would be maintained consistent with surrounding properties. Consequently, the approved dwelling would be consistent with the spacious character and established pattern of development.
10. Although the proposed boundary planting would screen the proposal to a degree, it would not mitigate for the loss of the open space. Furthermore, the planting would take some time to establish and there is no guarantee that it would remain in perpetuity. Consequently, I only place limited weight on the value of vegetation in screening the development during its lifetime.
11. Attention is drawn to the Council's report which states that the proposal would not have an over-bearing or enclosing impact on the neighbouring property. However, this statement relates to an assessment of living conditions which is very different to an assessment of a proposal in design terms.

12. For the reasons stated, I conclude that the proposal would harm the character and appearance of the area. It would, therefore, be in conflict with saved Policy HD20 of the Harrogate District Local Plan 2001 and Policy SG4 of the Council's Core Strategy 2009 which taken together seek to ensure that development is integrated with neighbouring buildings, respects the area's character and layout and makes a positive contribution to the spatial quality of the area. Conflict also arises with the SPD.

Conclusion

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

Caroline Mulloy

Inspector