

Appeal Decision

Site visit made on 10 October 2017

by Graeme Robbie BA(Hons) BPI MRTPI

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

Decision date: 26 October 2017

Appeal Ref: APP/E2734/D/17/3179309
58 Hookstone Avenue, Harrogate HG2 8EP

- 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 Miss L Walker against the decision of Harrogate Borough Council.
 - The application Ref 6.79.13411.FUL, dated 19 December 2016, was refused by notice dated 4 April 2017.
 - The development proposed is demolition of side store and garage, erection of new 2 storey side and single storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council have adopted a different development description to that set out by the appellant on the original planning application form and for which the appellant sought planning permission. I am satisfied however that the appellant's original description, which I have set out above, adequately describes the proposal.
3. The appellant has confirmed that the application of render to the existing dwelling does not form part of the current proposal and I have considered the appeal on that basis. Whether to do so would require planning permission or not is not a matter for me to determine in the context of an appeal under section 78 of the Town and Country Planning Act 1990 (as amended). It is instead open to the appellant to apply to have the matter determined under sections 191 or 192 of the Act, and any such application would be unaffected by my determination of this appeal.

Main Issues

4. The main issues are the effect of the proposed development on:
 - The living conditions of occupiers of 12 and 14 Beech Avenue, with particular regard to outlook, daylight and sunlight; and
 - The character and appearance of the host building and the surrounding area.

Reasons

Living Conditions

5. The appeal property is set at 90° to the adjacent properties at 12 and 14 Beech Avenue. At present, there is a small flat roofed extension and single garage at

- the side of No. 58. The garage is positioned tight up to the boundary with Nos. 12 and 14.
6. The proposed two storey extension would occupy almost all of the space at the side of the existing dwelling, between it and the boundary with Nos. 12 and 14. Although the first floor gable elevation would be set in from the flank elevation of the proposed ground floor element, it would be only slightly smaller in scale and massing than that of the existing gable elevation. More significantly, it would be substantially closer to the rear elevations of both Nos. 12 and 14 than at present, whilst the extension would also project beyond the rear of the appeal property.
 7. Both Nos. 12 and 14 have been extended at the rear, No. 12 with a larger extension than that at No. 14. In order to prevent extensions being overbearing or creating excessive overshadowing the Council's 'House Extensions & Garages Design Guide' Supplementary Planning Document (SPD) sets out that as a guide there should be between 8m¹ and 12m² between two storey side extensions with no side windows and neighbouring properties. The Council state that the proposed gable and flank elevation would be within 8 metres of the rear of No. 12 and 9 metres of the rear of No. 14. The appellant does not explicitly refute the Council's stated dimensions, but instead refers to the distance between the flank elevation and the first floor windows at No. 14 as being 12.4 metres.
 8. From my observation of the site, which included assessing the relationship between Nos. 12 and 14 and the appeal property from those adjacent properties, the proposed extension would have a significant and harmful impact upon the outlook from the rears of both properties. The gable element of the flank elevation would be a substantial, looming presence when stood at the rear of No. 12. To this, the rearward projection of the flank elevation would extend beyond the rear of the existing dwelling, extending the substantial flank elevation further across the rear of No. 12.
 9. The additional bulk and massing of the proposed extension, and its increased proximity to the rears of Nos. 12 and 14 would, I conclude, have a significant and harmfully overbearing impact upon the rears of both properties. This, together with the appeal property's position due south of Nos 12. and 14 would also give rise to additional overshadowing of, and loss of light to, those properties. I accept that the dual-pitch roof over the rearward projecting element of the extension would give its roof a receding presence, but the cumulative effect of the proposal would nonetheless be both overbearing and overpowering upon the outlook from the rear of No. 12.
 10. Although the Council's concern regarding the effect of the proposed extension on the living conditions of occupiers of neighbouring properties is expressed particularly in relation to No.12, the rear of No.14 also faces directly towards the gable elevation of the appeal property. It is correct to note the presence of the detached garage within the rear garden of No.14 and, because of the ground floor rear extension at that property, the limited space between the extension's windows and the garage's flank elevation. However, whilst I saw that the existing detached garage is a significant feature in the outlook from

¹ To tertiary windows – kitchens and utility rooms

² To main windows – lounges, dining rooms and other such reception rooms (secondary windows are defined as those serving bedrooms)

the rear of No. 14, I do not agree with the appellant that it precludes the appeal proposal from impacting upon the outlook from the ground floor of No. 14. The additional bulk and massing of the gable elevation of the proposed extension would effectively block what little outlook of the sky remains visible from within No. 14's extension. Whilst not decisive in itself, the additional impact of the proposed extension upon No.14 would be moderately harmful and lends weight to my conclusions more generally in respect of the proposal's impact on the living conditions of Nos. 12 and 14.

11. For the reasons set out above, I conclude that the proposal would have an adverse and harmful effect on the living conditions of occupiers of 12 and 14 Beech Avenue. The scale, bulk and massing of the proposed extension and the increased proximity to the rears of both 12 and 14 Beech Avenue would give it a significant and looming presence when viewed from the rear of those properties, and which would also lead to additional and excessive overshadowing and loss of light to both of these adjacent properties. Thus, the proposal would fail to accord with saved policies H15(A) and HD20(I) of the Harrogate District Local Plan (LP), or with policy SG4(2) of the Harrogate District Local Development Framework: Core Strategy (CS). It would also fail to secure the good standard of amenity for all existing and future occupants of land and buildings sought by the National Planning Policy Framework as one its core planning principles.

Character and Appearance

12. The prevailing building material of dwellings within the cul-de-sac part of Hookstone Avenue is brick. However, that is not to say that Hookstone Avenue, or indeed the surrounding area, is comprised exclusively of brick-built dwellings. The existing garage is rendered, and I am advised that a previously approved single storey extension at No. 58, incorporating a replacement garage, also proposed a rendered finish. I also noted that there were three properties within this part of Hookstone Avenue that were finished with painted render. I also saw that the two adjacent dwellings at 12 and 14 Beech Avenue and three pairs of semi-detached properties on the opposite side of Beech Avenue, were also finished with rough pebble-dashed finish or painted render.
13. In this instance, a rendered finish to the proposed extension would draw on design features of the proposal extension, such as the extension's set back at first floor, and would allow the extension to be clearly read as such and as a subservient element to the main house. The supporting text to saved LP policy H15 states that extensions '*should be designed to be in sympathy with the original building with properly matching materials and architectural components*'. Although not matching in this instance, I am satisfied that the proposal would be in sympathy with the original building in terms of its scale, proportions and detailing. It would not, in my judgement, result in detriment to the character or appearance of the host dwelling or the surrounding area as a consequence of the use of render as a facing material and would not be inconsistent with the design aims of LP saved policies H15 or H20, or CS policy SG4.
14. Although the submitted plans show the existing house to be finished in a through coloured render the appellant has stated that this does not form part of the proposal for which permission was sought. Whether or not the appellant chooses to render the remaining visible elevations of the existing property, and

whether that can be achieved utilising permitted development rights, are not matters before me in the context of a section 78 appeal.

Conclusion

15. The proposed extension would not, as a consequence of the proposed materials, cause harm to the character or appearance of the host property, or that of the surrounding area. However, that is not sufficient to outweigh the harm that would be caused to the living conditions of occupiers of the adjacent properties at 12 and 14 Beech Avenue in terms of outlook and daylight / sunlight.
16. For the reasons set out therefore, and having considered all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR