



Appeal Decision

Site visit made on 20 August 2019 by L Wilson BA (Hons) MA

Decision by A U Ghafoor BSc (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/E2734/D/19/3228182

81A Otley Road, Harrogate, HG2 0DU

- 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 P Carter against the decision of Harrogate Borough Council.
 - The application Ref 19/00672/FUL, dated 15 February 2019, was refused by notice dated 3 April 2019.
 - The development proposed is new driveway gates, replacement fencing to boundary, new store, bin store and log store.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Procedural Matters

3. The Council issued a split decision by granting planning permission for the erection of the replacement fence and stores. It objects to the erection of the boundary gate. In such cases the whole proposal is before me and I am not restricted to dealing with only the element which have concerned the Council. However, I have no reason to disagree with its approach regarding the fence and stores given the design of these elements of the development and their effect upon the host dwelling and street scene. I will therefore focus on the merits of the boundary gate.

Main Issue

4. The effect of the proposed gates on the character and appearance of the host building and street scene.

Reasons for the Recommendation

5. No. 81A is a semi-detached two storey dwelling located within a primarily residential area. The property has a relatively large driveway to the front and there would be sufficient distance between the gates and dwelling in order for them not to cause substantial harm to the character and appearance of the host property.
6. Otley Road serves as a main access road into Harrogate centre and the character along the road alters. Within the street scene properties are generally set back from the highway with hedges to the front boundary. The open, ungated driveways provide a

welcome break from the tall boundary hedges and contribute positively to the character of the street scene.

7. Whilst local planning policy does not state what height or materials should be used for gates, it is clear that new development should respect the character of the local area. The proposed gates would sit flush with the front boundary and would constitute two solid panels with limited detailing. Although the current boundary hedge does create an enclosed feel the proposed solid gates would only add further to a feeling of enclosure. From the information submitted it appears the wooden gates would not be treated or painted to soften their impact.
8. In addition, the proposed lights would make the gates more prominent when illuminated. The appellant has stated that the proposal could be amended, including removing the lights. Proposals cannot be amended through the appeal process. Consequently, due to the location and design of the gates, they would create a visually dominant and incongruous development which would erode the openness of the driveway and be harmful to the character of the street scene.
9. The appellant considers a precedent for gates has been established. Whilst there are examples in the streetscene, the majority of properties do not have solid gates. From the evidence submitted it appears the gates highlighted on Otley Road do not benefit from planning permission. In any event, the Google images provided are not directly comparable as the design and siting of the gates differ and the character of streets vary. The existence of these gates does not justify visually harmful development. I appreciate the appellant's frustration with regards to enforcement, but this is a matter for the Council and has little bearing on the planning merits of the case.
10. The appellant considers the proposed gates would improve the privacy and security of their home. Unfortunately, these are personal circumstances which do not outweigh the harm caused by the development.
11. For these reasons the proposed development would harm the character and appearance of the street scene. Consequently, it would conflict with Policies EQ2 and SG4 of the Harrogate District Local Development Framework Core Strategy (2009) and the Framework.

Conclusion and Recommendation

12. Although I have found that the proposed boundary gate would not be harmful to the appearance of the host property, this is outweighed by the harm to the character and appearance of the street scene to which I attach significant weight. For the reasons given above, I conclude that the appeal should be dismissed.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

13. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I too agree that the appeal should be dismissed.

A U Ghafoor

INSPECTOR