



Appeal Decision

Site visit made on 13 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: 30 August 2019

Appeal Ref: APP/E2734/D/19/3229865

Sheepcote Cottage, Sheepcote Lane, Darley, HG3 2RP

- 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 Tom Ward against the decision of Harrogate Borough Council.
 - The application Ref 19/00180/FUL, dated 10 January 2019, was refused by notice dated 6 March 2019.
 - The development proposed is for a two-storey side extension and the redevelopment of the existing single storey extension of the property.
-

Decision

1. The appeal is allowed and planning permission is granted for a two-storey side extension and the redevelopment of the existing single storey extension of the property at Sheepcote Cottage, Sheepcote Lane, Darley, HG3 2RP in accordance with the terms of the application, Ref 19/00180/FUL, dated 10 January 2019, and the plans submitted with it, subject to the schedule of conditions set out at the end of this decision.

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.

Application for Costs

3. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision below.

Main Issue

4. The site is located within the Nidderdale Area of Outstanding Natural Beauty (AONB). Paragraph 172 of the National Planning Policy Framework (the 'Framework') states great weight should be given to conserving and enhancing landscape and scenic beauty in AONB. The main issue is the effect of the proposal upon the character and appearance of the host building and whether it would conserve and enhance the natural beauty of the AONB.

Reasons for the Recommendation

5. Sheepcote Cottage is a traditional two storey detached dwelling of relatively simple form. Later additions detract from the character of the original property. The property is situated to the south of Darley and located within a cluster of dwellings. Whilst the proposal would increase the scale and mass at first floor it would not be a dominant or bulky addition. The extension would be set back from the principal elevation and the ridge height would be lower than the main dwelling. This would enable the proposal to read as a subordinate addition. The design and materials would reflect that of the

original dwelling and maintain its simple appearance. The proposed extension would not increase the footprint of the property as the unsympathetic extensions would be removed. The proposal would not have a detrimental impact upon the external appearance of the host dwelling due to its size and appropriate design which would reflect the properties traditional character.

6. Views of the property are limited due to the sitting of neighbouring properties, existing vegetation and land level differences. The two-storey extension would be more evident than the existing extensions which are to be removed but as highlighted above the scale of development would be limited. The proposal would be in keeping with the traditional character of the neighbouring properties. The proposal would not have a detrimental impact upon the AONB. The sympathetically designed extension and removal of the uncharacteristic extensions would conserve and enhance the natural beauty of the AONB.
7. Consequently, the development would be acceptable in terms of its impact on the character and appearance of the host dwelling and AONB. As such, the proposal would not conflict with the Framework, Policies EQ2 and SG4 of the Harrogate District Local Development Framework Core Strategy (2009) and saved Policies C1, C2, H15 and HD20 of the Harrogate District Local Plan Saved Policy Version (2007).

Other Matters

8. Local residents and the Parish Council have raised concerns regarding the proposals impact upon neighbouring properties and issues with foul sewage and drainage. The Council did not refuse the application on these grounds. Furthermore, given the nature of the proposal the issue regarding drainage is a private matter between the appellant and neighbouring occupiers. There is nothing to indicate adverse effect on drainage. I concur that a daylight assessment is not required as there would be adequate distance between the proposal and the neighbouring properties. The extension would not harm the living conditions through overshadowing and overbearing. In order to ensure the garden area to the front of Sheepcote Grange Farm is not overlooked a condition can be imposed to prevent the insertion of windows on the rear elevation of the extension.

Conditions

9. A number of conditions have been suggested by the Council. These have been assessed in light of guidance found in the Planning Practice Guidance. It is necessary to apply conditions to this permission for clarity and to ensure that it is carried out in a manner with an appearance that is satisfactory. In addition to the condition above restricting windows on the rear elevation, conditions relating to materials, doors and windows are necessary in the interests of the appearance of the development. I acknowledge the appellant does not consider a condition relating to materials would be suitable, but I disagree, such a condition is necessary to ensure the materials are of high quality to conserve the AONB. Where necessary the wording has been amended for clarity. However, obscure glazing would not be necessary. The elevation drawing shows the window would be obscure-glazed and therefore condition 2 would be adequate. Additionally, any subsequent first floor side windows would need to be obscure-glazed.

Conclusion

10. For the reasons given above, I conclude that the appeal should be allowed.

L. M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

11. 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 allowed subject to the conditions below.

A U Ghafoor

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: LOCATION PLAN, ELEVATIONS_AS PROPOSED, ROOF PLAN_AS PROPOSED, SITE PLAN_AS PROPOSED, GROUND FLOOR PLAN_AS PROPOSED, FIRST FLOOR PLAN_AS PROPOSED.
- 3) No development above slab level shall take place until a sample panel of the materials to be used in the construction of the external surfaces have been prepared on site for inspection and approved in writing by the local planning authority. The development shall be constructed in accordance with the approved sample, which shall not be removed from the site until completion of the development.
- 4) All doors and windows hereby permitted shall be set back from the external face of the walls to form reveals and these shall match the existing property.
- 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no first-floor windows shall be constructed on the rear elevation of the development hereby permitted.



The Planning Inspectorate

Costs Decision

Site visit made on 13 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: 30 August 2019

Costs application in relation to Appeal Ref: APP/E2734/D/19/3229865

- The application is made under the Town and Country Planning Act 1990, sections 78, 322 and Schedule 6, and the Local Government Act 1972, section 250(5).
 - The application is made by Mr Tom Ward for a full award of costs against Harrogate Borough Council.
 - The appeal was against the refusal of planning permission for a two-storey side extension and the redevelopment of the existing single storey extension of the property.
-

Decision

1. The application for an award of costs is refused.

Reasons

2. The argument is that the respondent acted unreasonably in refusing the application thereby causing unnecessary and wasted expense in making an appeal.
3. The proposal required an exercise of planning judgement and my Decision above explains why I have found favour with the applicant's case. The refusal reason was clear and sufficient evidence was submitted to support the respondent's stance. The lack of comments from the Nidderdale AONB Partnership or Councils landscape team is not considered to be unreasonable as the Officer's report adequately sets out the respondent's case. Whilst the respondent did incorrectly state the proposal would result in a larger footprint this was not stated in the reason for refusal. It is clear when reading the Officer's report that their concern is regarding the scale of the proposal. In terms of the reference to contemporary design, again this was not stated in the reason for refusal and it is purely a statement rather than the respondent stating the proposal represents contemporary design.
4. The applicant has not shown that the respondent's refusal of planning permission was unreasonable resulting in unnecessary and wasted expense as set out in the Planning Practice Guidance. A full or partial award is unjustified.

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

5. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, this application should be refused.

A U Ghafoor

INSPECTOR