



Appeal Decision

Site visit made on 23 September 2019

by Gary Deane BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th October 2019

Appeal Ref: APP/E2734/W/19/3222369

33a Franklin Road, Harrogate HG1 5ED

- 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 Devonshire Square Properties Limited against the decision of Harrogate Borough Council.
 - The application Ref 6.79.6869.B.FUL, dated 27 March 2018, was refused by notice dated 14 August 2018, which was issued on 16 August 2018.
 - The development proposed is the demolition of existing garage and erection of 3 dwellings.
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Decision

1. The appeal is dismissed.

Main issue

2. The main issue is whether or not the proposal would provide satisfactory living conditions for future occupiers with regard to external amenity space.

Reasons

3. The proposal is to erect a terrace of 3 dwellings off Franklin Road following the demolition and removal of the existing garage on the site. As each of the new dwellings would include 3-bedrooms, the proposal would be potentially suitable as family accommodation. From the submitted layout, the space left around the proposed terrace with the new built form and the areas for vehicle parking and bin and cycle storage in place would be limited. Consequently, the opportunity to provide external amenity space (EAS) to serve future occupiers would be restricted with small narrow areas of green space at the front and side of the new terrace.
4. The modest size of each area of EAS would limit their value for any meaningful day-to-day activity or use such as sitting out, drying clothes or children's play. Some overlooking of the frontage green space to proposed unit B, which would provide the only EAS for future occupiers would also occur from the parking forecourt. Together, the quantity, quality and usability of the proposed EAS, which are key design considerations in new residential schemes, would be unacceptably poor. I share the Council's concern that the lack of adequate EAS is indicative of an overly intensive form of development on the site.
5. Reference is made to Crescent Gardens, Valley Gardens and The Stray, as areas of public open space to which future occupiers would have access. While that may be the case, I doubt that many occupiers or visitors would regularly walk

or cycle the not insignificant distance between the site and these areas of public open space, which would be far less convenient option for domestic activities such as sitting outside compared to within the curtilage of the site. Some prospective occupiers, such as young professionals seeking centrally located properties for sale or rent, may not seek private gardens. However, this is insufficient reason in itself to make inadequate EAS provision for this type of accommodation.

6. The appellant places some reliance on the general lack of garden space available to occupiers of existing properties in the vicinity of the site, which I agree is sometimes a characteristic within tightly knit built up areas such as this. Reference is also made to the Council's recent decisions to approve residential schemes elsewhere that according to the appellant provide less generous EAS than the proposal. Even if that were the case, the lack of adequate EAS provided elsewhere is not an appropriate benchmark against which new residential schemes should be evaluated. That approach is at odds with the emphasis given in the National Planning Policy Framework (the Framework) to the key role of new development in creating high quality places.
7. The appellant states that the Council has recently approved several residential schemes that are similar in scale and design to the proposal although few background details have been provided. Consequently, I cannot be certain that the particular circumstances of these cases and the provision of EAS within them are directly comparable with the appeal scheme. Therefore, I am unable to draw any direct parallels with the development sought.
8. On the main issue, I conclude that the proposal would not provide satisfactory living conditions for future occupiers. As such, it conflicts with Policy SG4 (criterion 2) of the Harrogate District Core Strategy (CS), which aims to protect if not enhance residential and general amenity. While Policy HD20 of the Harrogate District Local Plan is also cited in the reason for refusal, criterion i) is directed towards the amenity of nearby residents and the occupiers of adjacent buildings. Consequently, it is less directly relevant to this main issue.
9. From the submitted evidence, I share the Council's opinion that the proposal would preserve the predominantly residential character and appearance of the Harrogate Conservation Area within which the site falls. Consequently, the statutory duty is met. That the proposal would enhance or better reveal the significance of the CA as a designated heritage asset would, however, overstate the appellant's case given the modest scale of the development and its position set back from the road and largely behind existing buildings.
10. The Council considers that some of its policies that are most important for determining the development are out of date and that, as a result, paragraph 11 d of the Framework is engaged. This states, amongst other things, that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.
11. Although the main parties appear to agree that the Council can demonstrate a 5-year supply of deliverable housing sites in accordance with the Framework, the proposal would boost housing supply, which is a Government objective. This consideration significantly weighs in favour of the proposal. The appeal scheme would make an efficient use of brownfield land near to the town centre and is accessible by means other than the car. There would also be economic

benefits from the sale of materials during the construction phase, job creation and from spending by future occupiers. The Council would also benefit from additional Council Tax receipts.

12. Compared to the existing commercial use, the appellant states that fewer vehicles would use the access road, which would be upgraded as part of the appeal scheme, and I note that the built footprint would be reduced if the proposal were to proceed. The appeal scheme would also replace a potentially unneighbourly use given the traffic and noise and disturbance that could arise from activities associated with the existing building or other employment uses on the site in the future. Consequently, there would be amenity benefits for existing residents if the proposal were to come forward. I note that the Council has recently granted planning permission to redevelop the adjacent commercial land for 5 dwellings, which indicates the suitability of this area for housing. These considerations all weigh in support of the proposal.
13. On the other hand, the Framework states that planning decisions should ensure developments establish a strong sense of place using the arrangement of spaces to create attractive and welcoming place to live and visit. It also notes that developments should function well; add to the overall quality of the area; and create places that promote health and well being with a high standard of amenity for users. The proposal fails to adhere to these key principles. To my mind, the balance of national policy is firmly tipped against the appeal scheme. When assessed against the policies in the Framework taken as a whole, the adverse impacts of granting planning permission would significantly and demonstrably outweigh the benefits of the appeal scheme.
14. The applicant has an established track record in conversion and redevelopment schemes in Harrogate, the quality of which is complemented by an interested party. I note that the proposal was refined in the light of concerns raised by local residents to, amongst other things, increase the separation distances with existing buildings, reduce the built footprint, enhance the new parking arrangements and improve the natural light reaching nearby properties. The application was also accompanied by an Officer's report that recommended planning permission be granted subject to conditions. For the reasons set out above, I disagree with that conclusion.
15. Interested parties raise several additional objections including light, scale of development, privacy, the potential for general disturbance, trees, parking, access, local services, highway safety, loss of employment and outlook. These are all important matters and I have taken into account all of the evidence before me. However, given my findings on the main issue, these are not matters on which my decision has turned.

Conclusion

16. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR