
Appeal Decision

Site visit made on 8 June 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd June 2020

Appeal Ref: APP/E2734/W/20/3246538

The Lilacs, Roecliffe Village, Roecliffe YO51 9NA

- 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 & Mrs Crozier against the decision of Harrogate Borough Council.
 - The application Ref 19/03267/FUL, dated 31 July 2019, was refused by notice dated 17 October 2019.
 - The development proposed is the erection of detached dwelling and detached garage with access.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of the proposal has been altered on the decision notice. I consider the description on the application form adequate for the proposal and I have determined the appeal on that basis.
3. The Harrogate District Local Plan 2014 – 2035 (HDLP) was adopted by the Council on 4 March 2020. Therefore, as I am required to make my decision based on the policy in place at this time, my determination on this appeal has been made in accordance with this plan. Both parties have had opportunity to comment on the HDLP during the course of this appeal.

Main Issues

4. The main issues are the implications of the proposal in relation to the setting of the Roecliffe Conservation Area (the conservation area) and whether the proposal accords with the District's Growth Strategy.

Reasons

Setting of Conservation Area

5. The appeal site sits immediately to the south west of the conservation area and outside of the Roecliffe settlement boundary. The site is garden land which is associated with The Lilacs, a residential bungalow which is set well back to the north west of the access lane.
6. The setback of the property and its neighbour to the south, combined with their limited height and extensive tree and hedge planting contribute towards a verdant, low density, rural approach to Roecliffe from the woodland along the

access track when approaching from the south west. After passing the site, the track heads a short distance to the north east before emerging onto the Village Green at Manor Farm House.

7. This approach to the village shares the characteristics of approaches that are identified within paragraph 4.9 of the Conservation Area Character Appraisal¹ (CACA) and such approaches can reasonably be considered one of the defining features of the character and appearance of the conservation area.
8. Even accounting for the walled dormer design and materials which would reflect nearby property, a two-storey dwelling would be a bulky development relative to the existing development. It would also be prominent in appearance given it would be placed within the garden close to the track and would have an urbanising impact. The proposal would therefore detract from the setting of the conservation area, therefore harming its significance.
9. While this harm would be less than substantial, paragraph 196 of the National Planning Policy Framework (the Framework) states that this harm should be weighed against the public benefits of the proposal.
10. The provision of new housing is a material consideration which carries weight in favour of granting permission. However, the level of housing provision would be small and this limited public benefit needs to be weighed against the harm to the setting of the conservation area. This designation has statutory protection and any harm must be given great importance and weight. I do not find therefore that there are any public benefits which would weigh in favour of the proposal. I conclude therefore on this issue that the proposal would fail to accord with Policy HP2 of the HDLP which amongst other things requires development which protects heritage assets.

Growth Strategy

11. Amongst other areas, the growth strategy within the HDLP seeks to focus new homes within the main settlements of the district, whilst not ruling out the provision of some new housing on suitable sites within other settlements such as Roecliffe. However, the site falls outside of the development limits of the village, where new development will only be supported where expressly permitted by other policies of the HDLP or a neighbourhood plan or national planning policy. No other HDLP policy which would justify the proposal in this location has been brought to my attention.
12. The proposal therefore fails to accord with Policies GS2 and GS3 of the HDLP which relate to the district growth strategy and development limits. The evidence indicates that there are no material considerations which indicate that a decision should be taken otherwise in accordance with the development plan.

Other Matters

13. The evidence indicates that a public right of way (PROW) runs through the appeal site. However, even if I were minded to allow the appeal, any grant of planning permission would not authorise any obstruction or interference with the PROW. In any event, the more logical and commonly used walking route would appear to be the track which passes along the south eastern boundary of

¹ Harrogate Borough Council Roecliffe Conservation Area Character Appraisal 2008.

the site. I do not therefore identify conflict with Policy HP5 of the HDLP which seeks to ensure that suitable alternative routes would be available.

14. The Beech tree and hedge adjacent to the track are identified as important features within the CACA. Although more detail would be beneficial, the existing opening onto the track which serves The Lilacs would be utilised, with the entrance running onto the driveway of this dwelling. It is likely that the layout of the proposal would allow for the retention of these features, possibly subject to the requirement for additional information via condition, were I minded to allow the appeal. I do not therefore identify conflict with Policy NE7 of the HDLP which amongst other things seeks to protect important trees. Nor do I identify conflict with Policy HP2 of the HDLP which seeks to protect heritage assets, regarding this specific matter.
15. The evidence indicates that the Council has a five-year housing land supply and this matter does not therefore invoke 'The presumption in favour of sustainable development' at paragraph 11 d) of the Framework.
16. While other development has been brought to my attention in justification for the proposal, the limited details supplied do not suggest these sites relate to similar proposals sharing the same characteristics and I do not therefore afford them significant weight.

Conclusion

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

T J Burnham

INSPECTOR