



Appeal Decision

Site visit made on 23 June 2020

by M Seaton DipTP MRTPI

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

Decision date: 7 July 2020

Appeal Ref: APP/E2734/D/19/3243273

37 Burn Bridge Road, Burn Bridge, Harrogate, HG3 1PB

- 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 Andrew North against the decision of Harrogate Borough Council.
 - The application Ref 19/03763/FUL, dated 3 September 2019, was refused by notice dated 5 November 2019.
 - The development proposed is the erection of two storey wrap around extension and second floor extension. Alterations to roof pitch and fenestration.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Harrogate District Local Plan 2014 - 2035 (the Local Plan) was adopted in March 2020. As a consequence, Policy SG4 of the Harrogate District Core Strategy 2009, and saved Policies H15 & HD20 of the Harrogate District Local Plan 2001: Saved Policy Version – Sept 2007, have been superseded. However, it is noted that the reasons for refusal included reference to policies from the emerging Local Plan.
3. Further to the receipt of confirmation from the Council of the Inspector's Final Report concluding the emerging Local Plan was sound subject to main modifications, the appellant and Council were provided with the opportunity to comment on the timetable leading to the adoption of the Local Plan. However, no further comments have been received and the emerging policies, subject to any modifications, have subsequently been adopted. I have therefore determined the appeal on the basis of the updated Development Plan.

Main Issues

4. The main issues are;
 - The effect of the proposed development on the character and appearance of the street scene and the host dwelling; and
 - whether the proposed development would safeguard the living conditions of the neighbouring occupiers of No. 35 Burn Bridge Road, having regard to outlook and loss of light.

Reasons

5. The appeal site is occupied by a detached bungalow set back on the north-eastern side of Burn Bridge Road and positioned within a line of dwellings, which are predominantly two-storey in scale. The property possesses a rear garden beyond which are the curtilages of further dwellings on Burn Bridge Oval.
6. During the course of the appeal, planning permission (*LPA Ref: 20/00507/FUL*) dated 11 May 2020 has been approved for the demolition of the existing garage, erection of a two-storey wrap-around extension, and raising of the roof to form an additional floor of living space, as well as alterations to the fenestration and the formation of a hardstanding. This proposal is extant and capable of implementation and sets a baseline for the assessment of the appeal proposals.

Character and appearance

7. I observed the existing single-storey dwelling to appear as an uncharacteristic design and scale of development within the street scene between Nos. 25–41 Burn Bridge Road where 2-storey dwellings finished with brick and render are prevalent.
8. The proposed extensions would result in an uncharacteristically designed two-storey dwelling which would appear as a departure from the design approach and appearance of existing development in the immediate vicinity. The inclusion of a prominent asymmetric gable roof and incorporation of a balcony feature on the front elevation are aspects of the proposed design that would appear as uncharacteristic features when considered in the context of the street scene. Whilst I acknowledge that the asymmetry of the gable remains within the approved scheme, it is incorporated as an element of the overall design rather than being the defining feature and focus of the proposal.
9. I recognise that the insertion of a building exhibiting a more contemporary design approach and involving a departure from the prevailing character and use of materials within the area would not be without precedent within the wider area. However, despite there being a certain degree of variety in terms of detailed design and overall scale of dwelling along Burn Bridge Road, there remain some unifying design factors particularly with regards the characteristics of the roofs, which the proposed dwelling would not reflect. In this regard, the appeal proposal would represent such a significant departure from existing development as to be obtrusive in design terms within the street scene.
10. Turning to the impact on the host building, it is inevitable that the proposed extensions in adding an additional floor would significantly alter the character and appearance of the dwelling, and I would not therefore disagree with the Council's assessment that the existing character of the dwelling would be lost. Nevertheless, even allowing for my conclusion that the existing dwelling does not make a positive contribution within the streetscene, the extent of the proposed extensions would be substantial and I would agree with the Council that in particular the bulk and massing of the side of the property would be significant and harmful in this regard.

11. For these reasons, I am satisfied that the proposed development would result in an adverse effect on the character and appearance of the street scene and the host dwelling. There would therefore be conflict with Policies HP3 and HS8 of the Local Plan, which seek to ensure that development incorporates high quality building design that protects, enhances or reinforces local distinctiveness, and that extensions to dwellings be permitted where there is no adverse impact to the character or appearance of the dwelling or the surrounding area.

Living conditions

12. I observed that No. 35 Burn Bridge Road is set at a slightly higher level than the appeal site, with the Council indicating a ground level difference of approximately 400mm. The Council has indicated that the extent and depth of the proposed extensions to the dwelling, when considered in conjunction with the impact of the retained garage structure, would undoubtedly have an impact on the neighbouring property with regards the perception of a sense of enclosure close to the boundary which would not currently be experienced. Given the two-storey form of the resultant dwelling and orientation from the neighbouring property, there would also be an increased potential for overshadowing.
13. I have carefully considered the Council's reasoning and have noted that in assessing the impact of the sense of enclosure it is the accumulation of the proposed extensions and existing garage structure that is concluded to have the adverse impact. However, whilst both the Council's assessment and rather confusingly the appellant's Grounds of Appeal reflect on the retention of the garage, this is not what is in fact shown on the proposed site plan. The plans submitted by the Council with the appeal as used to determine the planning application, show a garage incorporated within the ground floor layout of the resultant dwelling and indicate that the existing garage is to be demolished. I am mindful that the demolition of the garage was included within the description of development for the approved scheme but has not been in this instance. Nevertheless, it would appear in the absence of any further clarification that an incorrect basis for assessment has been utilised in concluding on the cumulative impacts.
14. Despite this, even allowing for the discounting of the garage from the assessment, I would agree with the Council's conclusion that the depth and scale of the proposed extensions in close proximity to the boundary with No. 35 Burn Bridge Road would result in an adverse impact on the neighbouring rear windows and garden having regard to both a sense of enclosure and overshadowing. Whilst I recognise that some landscaping is in place on the common boundary, this would not provide a significant degree of screening or mitigate the level of impact, nor would the difference in ground levels.
15. In addition to the above assessment, I have also considered the relationship between the appeal proposals and the neighbouring property at No. 39 Burn Bridge Road, as well as with properties to the rear on Burn Bridge Oval.
16. Having observed the relationship with the neighbouring properties, I accept that the proposed extensions would result in a significant alteration from the current relationship with the single-storey dwelling. However, due to the position of the neighbouring dwelling at No. 39 Burn Bridge Road, the presence of existing extensions and significant boundary walling, and noting the position

of windows, I am satisfied that the proposed extensions would not result in an unacceptable impact on living conditions. Similarly, whilst the resultant two-storey dwelling would undoubtedly change the relationship with properties to the rear on Burn Bridge Oval due to its scale and increased proximity to the shared boundary, I am also not persuaded in this instance that this would be so significant as to warrant the dismissal of the appeal for this reason.

17. On the basis of the above reasoning, I must conclude that the proposed development would fail to safeguard the living conditions of the neighbouring occupiers of No. 35 Burn Bridge Road, having regard to outlook and loss of light. The proposal would not accord with Policies HP4 and HS8 of the Local Plan which seek to ensure that development proposals are designed to protect amenity considerations including overbearing impacts of development and loss of light, and that extensions to dwellings do not result in an adverse impact on neighbouring residential amenity.

Conclusion

18. For these reasons, the appeal is dismissed.

Martin Seaton

INSPECTOR