

Appeal Decision

Site visit made on 17 July 2020

by R Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 August 2020

Appeal Ref: APP/E2734/W/20/3248888

18 Bishopton Lane, Ripon HG4 2QN

- 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 Mark Swindells against the decision of Harrogate Borough Council.
 - The application Ref 19/04611/FUL, dated 30 October 2019, was refused by notice dated 23 December 2019.
 - The development proposed is the erection of a single bungalow and detached garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application which accurately describes the proposal.
3. The Harrogate District Local Plan 2014-2035 (HDLP), which was in draft at the time the Council refused planning permission, was formally adopted on 4 March 2020. This replaces both the Harrogate District Local Plan (2001, as altered 2004) and the Harrogate District Core Strategy (2009), such that the policies of those plans cited on the decision notice are no longer part of the development plan and have no weight.
4. Given that the HDLP was adopted prior to the submission of the appeal the main parties have had the opportunity to comment on the implications of this during the appeal. As such, no interested party has been prejudiced in the appeal process by the adoption and I have therefore determined the appeal having regard to the relevant policies within the HDLP.

Main Issues

5. The main issues are the effect of the proposal on:
 - The character and appearance of the surrounding area; and
 - The living conditions of the occupiers of properties to the rear on Ash Bank Road.

Reasons

Character and appearance

6. No 18 Bishopton Lane is a detached two-storey dwelling set within large grounds. Houses on this side of the street are generally aligned with a linear form, with a relatively consistent front building line with long rear gardens backing onto the smaller rear gardens of properties along Ash Bank Road.
7. Policy HP3 of the HDLP stipulates, amongst other things, that proposals should respond positively to the building density, building footprints, built form, building orientation, building height and grain of the context, including the manner in which this context has developed and changed over time. Within the rear gardens of properties there are various outbuildings, built over time, including a sizeable building at No 10 Bishopton Lane.
8. The proposal would introduce a dwelling to the rear of the garden near the boundary with properties on Ash Bank Road. Although the proposed dwelling would be single storey and small in scale, it would jar incongruously with the established pattern of housing along this side of Bishopton Lane.
9. The design of the dwelling seeks to draw from the scale and form of an outbuilding. However, the presence of the built form of the proposed dwelling, separate garage, formal access, boundary fence, light from the building, domestic paraphernalia and the activity from its occupation would all combine to clearly distinguish it from an ancillary outbuilding. As such, even considering how this area has changed over time, it would contrast significantly with the prevailing pattern of housing in this part of Bishopton Lane.
10. Even though the proposed dwelling would be to the rear and largely screened from the public realm it would be visible in private views from the surrounding residential properties.
11. I'm told that a similar building could be erected under permitted development rights. However, I have not been supplied with detailed evidence to demonstrate this or to indicate that there is a significant probability that this would be undertaken should this appeal be dismissed. In any case, I have considered the appeal proposal on its own merits as a dwelling.
12. The proposed dwelling would be set within reasonable grounds with its own access drive, parking and turning area and there are a variety of densities in the area. Given this context, I am satisfied that the proposal would not appear cramped. However, this does not outweigh or alter my findings on the harm resulting from the positioning of a dwelling in this location.
13. I therefore find that the proposal would result in significant harm to the character and appearance of the surrounding area. As such, the proposal would be contrary to the requirements of Policy HP3 of the HDLP and the Councils Residential Design Guide (RDG). These stipulate, amongst other things, that development should respect the spatial qualities of the local area, including the scale, appearance and use of spaces about and between buildings or structures, visual relationships, views and vistas.
14. The proposal would also conflict with paragraph 127 of the National Planning Policy Framework (the Framework) which is concerned with achieving high quality design.

Living conditions

15. The Council have not quantified the harm it has identified to the living conditions of the occupiers of properties to the rear. Both parties have referred to The Council's House Extensions & Garages Design Guide a Companion to the Residential Design Guide Supplementary Planning Document (2005) (SPD). Appendix D of the SPD sets down various guidelines for built form in relation to neighbouring properties and although the parties refer to different aspects, either way I note that there would be conflict.
16. The proposal would be single storey in scale and the combination of the proposed fencing and existing vegetation would limit the extent of views between the proposed dwelling and neighbouring properties. Moreover, the sitting room and living/kitchen room windows and main garden space would be orientated away from these neighbouring properties to the rear. As such, although there is a reasonably close distance between, given that the windows would serve bedrooms and due to the intervening features, all these factors would ensure that there would not be a significant level of overlooking.
17. In terms of the physical bulk of the proposal, I have no substantive evidence before me as to the extent of any overshadowing. There would be a change in outlook from these neighbouring properties to the rear and the proposed dwelling would be visible from the gardens and rear elevations.
18. However, considering the change in ground levels, existing planting and height of the proposed dwelling, any shadowing is not likely to be substantial overall. Moreover, for the same reasons, in my view, it would not appear unduly oppressive or create a sense of enclosure that would harm outlook. In reaching this conclusion I have had regard to the size of the gardens to the rear of the appeal site and distance between the properties to the rear and the proposed dwelling.
19. Whilst there would be additional activity at the appeal site, due to the location of the access onto Bishopton Lane, the positioning of the main useable garden area, sitting room and living/kitchen room the level would not be such that it would result in significant noise and disturbance to the occupants of neighbouring houses.
20. Drawing all the above together, there would be some increased overlooking, a change in outlook and additional activity resulting from the proposal. However, for the reasons stated, the proposal would not harm the living conditions of the occupiers of the neighbouring properties to the rear on Ash Bank Road.
21. In this regard, the proposal would comply with the requirements of Policy HP4 of the HDLP and the SPD. These stipulate, amongst other things that development proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours. On this matter, the proposal would also accord with the requirements of paragraph 127 of the Framework which seeks, amongst other things, to ensure good standards of living conditions for existing occupants.

Other Matters

22. I recognise that the appeal site is in a sustainable location within the settlement limits of Ripon and would contribute to the overall objective to boost housing supply, including from a windfall site. However, local and national

planning policy expects housing to be located sustainably. As such, its location is not a matter that attracts substantial weight over and above what would normally be expected. Moreover, a net gain of 1 dwelling would only have limited social and economic benefits, and I attach limited weight to the benefits in that regard.

Conclusion

23. The proposal would not harm the living conditions of the occupiers of the neighbouring properties to the rear on Ash Bank Road, would be located in a sustainable location, and would contribute to the local supply of housing. However, the lack of harm in those respects and the limited benefit I afford to an additional residential unit, does not outweigh the significant harm I have identified to the character and appearance of the surrounding area.
24. For the reasons outlined above, and having had regard to all matters raised, the appeal is dismissed.

Robert Walker

INSPECTOR