



Appeal Decision

Site visit made on 30 June 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th October 2020

Appeal Ref: APP/E2734/W/20/3252172

Greystones, Kettlesing, Harrogate HG3 2LR

- 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 Clay of Quarters Homes Limited against the decision of Harrogate Borough Council.
 - The application Ref 19/04378/FUL, dated 3 October 2019, was refused by notice dated 5 December 2019.
 - The development proposed is described as: Replacement dwelling.
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Decision

1. The appeal is dismissed.

Procedural matter

2. On 4 March 2020, after the planning application was determined but before the appeal was submitted, the Council adopted a new Harrogate District Local Plan (the Local Plan). This superseded the previous policies of the Harrogate Core Strategy 2009 and the Harrogate District Local Plan 2001 that are cited on the decision notice. I have, therefore, determined the appeal using the most relevant policies of the current Local Plan, which are those identified as emerging policies on the decision notice. I have noted that Policy GS8 cited on the decision notice is now Policy GS6 in the adopted Local Plan.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the landscape character of the Nidderdale Area of Outstanding Natural Beauty.

Reasons

4. The appeal site is located in the Nidderdale Area of Outstanding Natural Beauty (AONB). Local Plan Policy GS6 seeks to ensure that new development does not detract from the natural beauty and special qualities of the AONB. This Policy has to be read alongside Local Plan Policies NE4 and HP3 which, when taken together, expect development proposals to protect and/or enhance the character, appearance and local distinctiveness of the landscape and the district's rural and urban environments. It also has to be read alongside Local Plan Policy HS7 which relates specifically to replacement dwellings in the countryside and sets out several criteria against which proposals will be assessed, in particular requiring that any new dwelling is not materially larger than the existing dwelling and is of a design which in terms of scale, mass,

materials and architectural detail is sympathetic to the landscape character and local vernacular.

5. The landform slopes generally from south west to north east as the ground falls away towards the valley of the River Nidd, with some localised variations in topography. The surrounding landscape consists of an irregular pattern of small to medium sized fields bounded primarily by, drystone walls with some fences and hedgerow boundaries. Trees are present in large numbers, grouped within the boundaries of individual properties and present along linear features such as field boundaries and footpaths. Buildings are scattered through the landscape either in small groups or as individual buildings, with slightly larger, loose, groups of buildings in the vicinity of the appeal site and at Kettlesing Bottom to the north east.
6. The existing dwelling on the site is an extended, single storey, structure with rooms within the roof space. It is constructed from coursed stone with a slate roof. A free standing double garage is joined to the main house by a screen wall. The evidence indicates that this dwelling was constructed in the 1970's.
7. The Nidderdale AONB was designated in 1994, at which time the existing house was present on the appeal site. In the immediate vicinity there are several other mid to late Twentieth Century dwellings that most likely also pre-date the designation of AONB.
8. It is not in dispute that Local Plan Policy HS7 is a relevant policy against which the proposal must be assessed. It is also common ground that the proposed new dwelling is larger than the existing dwelling on the site both in terms of its floor area and its internal volume. There is, however, disagreement between the parties as to the extent of the increase.
9. Neither Policy HS7 nor the Harrogate Residential Design Guide 1999 provides any guidance on what would be considered "materially larger" for the purposes of the policy. I would, however, agree with the appellant's proposition that this is a judgement based on both the physical increase in floor area and volume, and the perceived visual effect.
10. In terms of the increase in floor area and volume, there are no dimensions annotated on the proposed plans other than the overall floor area and, consequently, I am unable to wholly verify either of the parties calculations of the relative increases. The only evidence in respect of the floor area of the existing dwelling are the dimensions annotated on drawing number 2606 (PL)125.
11. Totalling up the floor areas shown on this drawing, including the freestanding garage, results in a figure that is approximately 30m² less than the figure of 272.5m² which is stated on the drawing and noted as excluding the garage. Some of this discrepancy may be accounted for by the first floor under-eaves storage areas, as it is not clear if these are included in the floorspace for the associated room. Nonetheless, this does cast doubt over the accuracy of the appellant's calculated increase in floor area which uses a floor area of 310m² as the starting point.
12. In addition, the appellant's calculation of the volume of the proposed new dwelling is calculated on what is described as the "above ground volume". It is clear from the submitted proposed elevations and sections drawings that parts

of the dwelling would be below the existing ground level to accommodate the longer continuous plan form of the proposed building on the sloping site. These parts of the dwelling, regardless of whether they are to be below the existing ground level, nevertheless still contribute to the overall volume of the building and, as a result, the appellant's figure understates the actual increase in volume in comparison to the original dwelling.

13. The supporting text to Policy HS7 sets out that where it is appropriate to increase the first floor area in order for the dwelling to better reflect the local vernacular, there should be an equivalent reduction in ground floor area. It is clear from the evidence and the submitted drawings that the proposed ground floor area is larger than the ground floor area of the existing house, and that the first floor area of the proposed dwelling is substantially larger than that of the existing dwelling.
14. Although I am not able to verify how the Council has arrived at its calculations of the increases, based on the information available to me, the increases in both floor area and volume are both greater than suggested by the appellant.
15. In terms of the perceived size of the building, the ridge height of the northern section of roof may only be 0.45m taller than the ridge of existing dwelling but it is, nonetheless, longer than the roof of the main part of the existing dwelling. The roof of the southern section of the building would be 1.2 metres higher than that of the existing dwelling. The existing dwelling is perceived as a single storey building, as the first floor accommodation is contained entirely within the roof void. Whilst there would be variations in the ridge heights, and parts of the proposed building would be set below the existing ground levels, the new dwelling would be read as a two storey building. Overall, the frontage of the proposed new dwelling would be slightly shorter than the overall length of the existing house and garage. However, this is not a strictly accurate comparison, due to part of the frontage of the existing house comprising of a screen wall that adds no actual area or volume to the building.
16. I accept that the overall width of the proposed new dwelling would be less than that of the widest part of the existing dwelling. This notwithstanding, it would have a larger ground floor and first floor area, larger internal volume, and would be perceived as a two storey structure as compared to the existing single storey building. In the above context, I find that the proposed replacement dwelling would be materially larger than the existing building on the site and would not comply with criterion B of Policy HS7.
17. The proposed dwelling would have some commonality with other "long barn" or linear farmstead type buildings in the immediate vicinity in terms of the proposed materials and the randomised positioning of window openings. However, both Ivy House Farm and The Grange, which are the closest examples of this building typology, exhibit a clear differentiation between the domestic and agricultural elements of the building. In these buildings, the original residential element is both higher and more elaborately detailed, with the agricultural element being lower and having simpler architectural features.
18. This differentiation would not be present in the proposed new dwelling due to the lower, recessed and largely glazed, element that contains the principal entrance breaking the linear progression of the building element heights. The extent of blank walling and the configuration of the windows in the principal elevation of the higher southern section would exacerbate this lack of

differentiation. As a result, the proposed building would have a confused appearance that would neither reflect the building typology it seeks to emulate, nor the local distinctiveness of the area.

19. In terms of landscape and visual effects, I disagree with the appellant's assessment that the current building is out of keeping with the area and a negative feature with little or no architectural merit. The existing dwelling is a relatively attractive and simple, stone and slate, single storey, property that has settled into the landscape since it was constructed in the 1970's. The existing building on the appeal site predates the designation of the AONB and was part of the landscape when the designation was made. The submitted Landscape and Visual Impact Appraisal (LVIA) is predicated on the assumption that the existing building is a negative feature in the area and also uses the same figures that understate the increase in size and volume of the proposed dwelling compared to the existing.
20. Nevertheless, I generally concur with the findings of the LVIA in terms of the effect on the identified landscape elements, except for the effect on the existing bungalow. The demolition of this building would, in my view, have a greater effect than the moderate effect attributed to it by the LVIA through the complete removal of an established feature in the landscape and AONB.
21. Due to the topography and position of groups of trees within the landscape, there are very few long range views of the appeal site from publicly accessible land. There are close range views from Kettlesing Lane and the Public Right of Ways to the north and east of the appeal site. The increased height and massing of the proposed new dwelling would result in it being more visible in the landscape than the current building. The proposed replacement building would have a greater height and massing than the existing building. Due to the incongruous design, this would cause a small amount of harm to the landscape and the special landscape qualities of the AONB.
22. For the reasons set out above, I disagree with the visual impact findings of the LVIA that the proposed property would have an overall character more in-keeping with the features of farmsteads and dwellings within this area, and that the visual effect would be minor/moderately beneficial. I find that these effects would be adverse, although localised to this part of the AONB, and that the magnitude of this harm would be small in the overall context of the AONB.
23. The National Planning Policy Framework requires that great weight is given to preserving and enhancing the landscape and scenic beauty in AONBs. Whilst the degree of harm would be small this, nonetheless, weighs greatly against the proposal.
24. Consequently, I conclude that the proposed development would cause harm to the landscape character of the Nidderdale Area of Outstanding Natural Beauty. The proposal would not comply with the relevant requirements of Local Plan Policies HS7, NE4, GS6, and HP3.

Other matters

25. Ivy House Farm, which is located on the opposite side of Kettlesing Lane to the appeal site, is a Grade II Listed Building. I have no evidence in respect of the significance of this listed building. However, from what I saw when I visited the site and due to the degree of separation between the proposed new

dwelling and Ivy House Farm, I am satisfied that the proposed development would not cause harm to the setting of this listed building.

26. The appeal scheme includes crown lifting works to a willow tree adjacent to the existing access to the appeal site, which is protected by a Tree Preservation Order. I have noted that the Council has not raised any concerns in respect of this. I saw that this tree overhangs the access drive and I am satisfied that the proposed works are in the interests of the tree in order to prevent damage to it from vehicles entering and leaving the site. However, neither of the above points would overcome the other harm that I have found.
27. I have also noted the points raised by the Council's ecologist regarding the adequacy of the bat survey submitted with the proposal. However, as I am dismissing the appeal for other reasons, it is not necessary for me to consider this matter in any further detail.
28. The submitted Design and Access Statement suggests that the current building could be extended using permitted development rights to a greater extent than the increased size of the appeal proposal. I do not have sufficiently particular information on the nature of the suggested alternative operations to enable the necessary comparison with the appeal proposal to be made. Nor is there any evidence before me that would indicate that there is a greater than theoretical possibility that any such works would be carried out. As a result, I can give little weight to this point.

Conclusion

29. Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that the determination of planning applications and appeals must be made in accordance with the development plan unless material considerations indicate otherwise. I have found that the proposed development would not comply with relevant policies in an up to date development plan and no material considerations have been identified that would justify granting permission.
30. For the above reasons I conclude that the appeal should be dismissed.

John Dowsett

INSPECTOR