
Appeal Decision

Site visit made on 18 February 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 February 2021

Appeal Ref: APP/E2734/W/20/3262655

11 Firs Drive, Harrogate HG2 9HB

- 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 N Wood against the decision of Harrogate Borough Council.
 - The application Ref 20/01465/FUL, dated 29 April 2020, was refused by notice dated 7 August 2020.
 - The development proposed is the erection of one dwelling.
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Decision

1. The appeal is dismissed.

Main Issue and Preliminary Matter

2. I note that the site already benefits from planning permission¹ for the erection of a new dwelling. This appeal scheme principally differs from the approved scheme with regards the omission of the single storey attached garage at the proposed dwelling and the retention of a two-storey element of 11 Firs Drive which under the approved scheme would have been demolished.
3. The main issues are the effect of the proposed development on:
 - (i) the character and appearance of the area; and,
 - (ii) the living conditions of occupiers of 7 Firs Gate, with particular regards to overshadowing and overbearing.

Reasons

Character and Appearance

4. The local area is characterised by detached dwellings set within their own well-proportioned plots with space between neighbouring properties creating an intrinsically open if suburban environment.
5. The appeal property, 11 Firs Drive, is sited on the corner of Firs Drive and Firs Gate. The garden stretches back from the property along Firs Drive towards 13 Firs Drive, creating a green and open frontage that is larger than that found elsewhere on the street.
6. The appeal scheme would result in the creation of a new dwelling on the garden space, fronting on to Firs Drive and as a result would substantially fill

¹ 19/04036/FUL, 11 February 2020

the gap between nos.11 and 13. Nonetheless, the submitted plans show that a good sized gap would be retained between the proposed dwelling and no.13.

7. However, the proposed dwelling would be located close to no.11 and in combination with the size and scale of no.11 at this point, being two storeys and notably taller than the proposed dwelling, the sense of separation and space between the dwellings is greatly reduced.
8. The erosion of the separation space between the proposed property and no.11 would create the appearance of a cramped development, at odds with the open character of the street. Therefore I find that the appeal scheme would harm the character and appearance of the area and is thus contrary to Policies HP3 and NE5 of the Harrogate District Local Plan which seek, amongst other matters, to promote high quality design and local distinctiveness.

Living Conditions

9. 7 Firs Gate is situated behind no.11, with a rear garden that extends approximately level with the location of the proposed dwelling. The appeal proposal would result in a substantial change from the current open aspect.
10. The submitted plans, confirmed by my observations on site, show that the proposed dwelling, in combination with the existing no.11, would result in the overshadowing and overbearing of the rear garden of no.7.
11. I note that the proposed dwelling already benefits from planning permission and as such the effect of this part of the appeal proposal would not be substantially different from that already granted consent. However, there would not be any compensatory effect from the removal of part of the two-storey spur that projects from the existing dwelling (no.11).
12. I find that in combination, the proposed dwelling and the existing no.11 would have an unacceptable detrimental impact on the living conditions of the occupiers of no.7, with particular regards to overshadowing and overbearing. Thus the appeal scheme is contrary to Policy HP4 of the Harrogate District Local Plan which seeks to protect the living conditions of occupiers and neighbours to new development.

Other Matters

13. As detailed previously, the appeal site already benefits from planning permission for a very similar scheme. The appellant states that this represents a fallback position and based on the information before me I find no substantive reason to disagree.
14. In this instance, for the reasons detailed previously, the effect of the approved scheme would not be worse than the appeal scheme before me. Consequently, while this fallback position is a material consideration that weighs in favour of the appeal scheme, it does not outweigh the harm I have identified previously.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Mark Brooker

INSPECTOR