



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/D/20/3262854

The Barn, Back Lane, Sicklinghall LS22 4BQ

- 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 Barker against the decision of Harrogate Borough Council.
 - The application Ref 20/01449/FUL, dated 29 April 2020, was refused by notice dated 21 August 2020.
 - The development proposed is a single storey extension with pitched roof over kitchen.
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Decision

1. The appeal is dismissed.

Main Issue and Preliminary Matters

2. The appeal site is located within the designated Green Belt. It is not at dispute between the parties that the proposed extension would not result in disproportionate additions over and above the size of the original building and as such would not be inappropriate development in the Green Belt by virtue of paragraph 145 c) of the National Planning Policy Framework. On the basis of the evidence before me I find no substantive reason to reach a different conclusion.
3. The appeal site already benefits from planning permission¹ for a very similar extension, the key difference being in the form of the roof. The approved scheme has a flat roof as opposed to the sloping roof proposed as part of the appeal scheme.
4. The main issue is the effect of the proposed development on the living conditions of the occupiers of neighbouring properties.

Reasons

5. The appeal property consists of a converted barn, part of a cluster of similar properties. The location of the proposed single storey extension, currently consisting of an enclosed terrace, is situated in close proximity with two adjacent residential properties. New House to the rear and The Rookery to the side. The properties are separated from the appeal property by a tall stone wall that is detailed by the appellant as being between approximately 2.4m and 2.6m high.

¹ single storey flat roofed extension in an existing walled courtyard - 20/00389/FUL

6. I noted at my site visit that a number windows, to the ground and first floors, in New House look towards the location of the proposed extension. While the ground floor windows would be effectively screened by the existing boundary wall, those of the upper floor would look on to the roof and roof lights of the proposed extension. The submitted plans show that the majority of the proposed extension would be set at a lower level than the first-floor windows of New House. As such, I find that the proposed extension would not have an overbearing effect on the occupiers of this property.
7. The rear garden of The Rookery is small and is situated at a noticeably lower level to the appeal site furthermore, the plans show that the proposed extension would be situated immediately adjacent to the boundary. The Council identifies that there is a current overlooking issue from the location of the proposed extension to the rear garden of The Rookery, this would largely be removed as a result of the appeal scheme, with the exception of the creation of an external door in the facing elevation of the extension, an issue identified by the occupiers of The Rookery in their objection to the planning application.
8. The submitted plans show that the lowest part of the roof of the extension would be situated closest to the neighbouring property, rising in height as the distance increases. The appellant has submitted a report² which demonstrates that an extension at the site would result in some very limited additional shadowing, most notably in respect of the garden area of The Rookery where the report details that at 15:00 of the Spring/Autumn equinox additional shadowing would fall across the covered seating area of The Rookery.
9. On the basis of the evidence before me I find that the appeal scheme would have an unacceptable impact on the living conditions of the occupiers of neighbouring properties as a result of the size and form of the proposed extension in combination with the close proximity and difference in levels between the appeal site the small rear garden of the Rookery resulting in, albeit limited, additional shadowing and overbearing effect.
10. The appeal scheme is therefore contrary to Policies HP3 and HP4 of the Harrogate District Local Plan, and section 9 of the House Extensions & Garages Design Guide Supplementary Planning Document and paragraph 127 of the National Planning Policy Framework that, amongst other matters seek, to promote high quality design and the protection of the living conditions of the occupiers of neighbouring properties.

Conclusion

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

Mark Brooker

INSPECTOR

² Sun Path Analysis, CRL Architects - undated