



Appeal Decision

Site Visit made on 15 September 2021

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 October 2021

Appeal Ref: APP/E2734/W/21/3277725

West Winds, New Road, Scotton HG5 9HR

- 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 Joel Ramsden of Ashfield Homes Ltd against the decision of Harrogate Borough Council.
 - The application Ref 20/03309/FUL, dated 28 August 2020, was refused by notice dated 27 April 2021.
 - The development proposed is described as 'demolition of existing dormer bungalow (West Winds) and erection of four detached dwellings (3x four bed, 1x three bed), with detached double garage to plot 1 and car port to plot 2. Plots 3 and 4 to be served by integral garages.'
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have taken into account the revised National Planning Policy Framework ('the Framework'), published on 20 July 2021. Any reference to the Framework below is a reference to this latest revised version.
3. I have had regard to the outline planning permission¹, with all matters aside from access reserved, for the erection of 'up to 4 no. dwellings' on the appeal site. This was granted on 21 March 2019 and remains extant.

Main Issues

4. The main issues are:
 - whether the proposal would provide an appropriate mix of market housing;
 - the effect of the proposed development on the character and appearance of the area; and
 - the effect of the proposal on the use of the nearby burial ground by visitors, with particular regard to privacy and disturbance.

Reasons

Housing Mix

5. Policy HS1 of the Harrogate District Local Plan (2020) (HDLP) seeks to ensure housing developments deliver a range of house types and sizes that reflect and

¹ 19/00028/OUT

respond to the identified housing needs and demands of the district's households. It states that the proposed mix should be supported by sufficient evidence, making reference to the latest Housing and Economic Development Needs Assessment (HEDNA), and be informed by local assessments of housing need; detailed local market assessments; and the locality and ability of the site to accommodate a mix of housing.

6. The HEDNA (2018) advises that future housing provision across the District should be focused on delivering two and three bedroom homes. As a guide it suggests a mix of 30-35% two bedroom, 45-50% three bedroom, and 20-25% four bedroom properties would be appropriate. It also advises that in urbanised sub-areas, such as that which includes the appeal site, the housing delivered should be skewed towards smaller one and two bedroom properties with a commensurate reduction in properties with greater than three bedrooms.
7. The appeal proposal is for one three-bedroom property and three four bedroom properties. The proposed housing mix is consequently heavily skewed towards four bedroom properties and would not respond to the identified housing needs from the HEDNA. Despite resulting in the loss of a five bedroom dwelling through demolition, the proposal would also not contribute to a proportionate increase in properties of three bedrooms or fewer.
8. Whilst the appellant has referred to national trends in terms of housing preferences, I have not been provided with any local housing needs assessment or detailed local market assessment supporting the appellant's proposed housing mix here in line with Policy HS1. I have also not been provided with any substantive justification based on the locality and ability of the site to accommodate a mix of housing. I note that no argument has been made, with reference to the HEDNA paragraph 10.49 or otherwise, that the delivery of smaller units would be unviable.
9. This is a small site and I accept that the precise mix suggested in the HEDNA cannot be applied prescriptively to each scheme. However, Policy HS1 requires that proposals are supported by sufficient evidence. As this has not been supplied and the proposal would significantly diverge from the HEDNA, I am not satisfied that the appeal proposal would deliver a range of house types and sizes that reflect and respond to the identified housing needs and demands of the District's households.
10. I have been referred to several previous approvals where the appellant argues a more flexible approach to housing size mix was taken. However, I do not have full details of the circumstances that led to these being accepted and so cannot be sure that they represent a direct parallel to the appeal proposal, including in respect of extant permissions, previously existing development and adoption of development plan policy. Indeed, if other proposals have recently come forward which perpetuate or exacerbate housing size imbalances identified in the HEDNA, that may indicate that the local market has become more skewed rather than balanced in terms of provision relative to needs. In any case, I have determined the appeal on its own merits. I therefore conclude that the proposal would not provide an appropriate mix of market housing, contrary to Policy HS1 of the HDLP.

Character and Appearance

11. The appeal site contains a large detached bungalow set within a spacious plot. The surrounding area is characterised by sizeable, detached dwellings of one and two storey to both sides of the road, set back from the road edge. The appeal property is located between a bungalow, Elmwood, at the end of a row of several bungalows and a two storey dwelling with a detached garage, Rockville House. A tree protected by a Tree Preservation Order (TPO) is growing adjacent to the access to Delvers Lodge which runs between the appeal property and Rockville House.
12. Delvers Lodge is one of several dwellings positioned to the rear of properties along New Road which also includes the new dwellings at the former nursery site. This is a development of three large two storey detached dwellings located immediately to the rear of the row of bungalows. Dwellings are sited close to boundaries and one another, and the two storey elements are easily visible behind the row of bungalows. The southernmost dwelling in the former nursery development shares a boundary with the appeal site.
13. The appeal site tapers in width so that it is slightly narrower to the rear than closer to the road. The site also slopes downwards slightly from east to west, whilst New Road also slopes down from Rockville House to the north past the site. The existing dwelling on the site is set back slightly further into the site than the surrounding dwellings. Whilst the rear boundary with the open fields to the west is demarcated by a low post and rail fence, the remaining boundary treatments tend to consist of substantial high hedges.
14. The dwellings proposed at plots 1 and 2 would be sizeable, however they would be consistent with the scale, mass, height and siting of the adjacent row of dwellings on the former nursery site. Both dwellings would follow the line of the adjacent dwellings and the resulting spacings between them would be reasonable and typical of the surrounding area. This would be evident in views from the B6165, Mire Syke Lane and the green burial ground where fleeting long-distance views of the proposal are likely to be possible. However, from those vantage points the scheme would be seen alongside the nursery site and other nearby dwellings such as Rockville House, which are similar in scale and mass. The appeal proposal includes a landscaping scheme which could also help soften views of the appeal site from these directions. I accept that internal light escaping from the glazing to the rear of the dwellings would be visible at night, however this light would be seen in the context of the other dwellings in this part of the village that would also likely be illuminated to some extent after dark.
15. The two dwellings proposed to the site frontage would sit either side of the proposed access. Plot 3 would be positioned adjacent to Elmwood, whilst Plot 4 would be sited adjacent to the access to Delvers Lodge. The two dwellings would be aligned with the adjacent bungalows and Rockville House and the resulting spacings between them would be typical of the surrounding area.
16. Although the ridge height of the dwelling proposed at plot 3 would be taller than that of Elmwood, it would be lower than the neighbouring two storey dwellings and would nonetheless have the appearance of a single storey dwelling, akin to the adjacent row of bungalows. Furthermore, the increase in height would be reflective of the topography of New Road and dwellings stepping up the slight slope. Taking this into account alongside its relatively

narrow width and position in line with the adjacent dwellings, plot 3 would not appear significantly bulky and would be reflective of the character and appearance of the streetscene.

17. Whilst the dwelling proposed at plot 4 would be positioned closer to the boundary with the Delvers Lodge access than the existing dwelling, it would not appear overbearing in views either from New Road or the access. This is due to the retention of a noticeable gap (2.5 metres) between it and the boundary and its setback in line with the adjacent dwellings. In this regard I also note that there would remain a substantial gap between it and the buildings at Rockville House. As a result of the setback from the road, the side elevation of plot 4 would only be partially viewed from New Road past the garage at Rockville House and the TPO tree for the majority of views from the south past the site. Views further south would be screened by the dwelling at Rockville House. The width of the dwelling at plot 4 would be noticeably narrower than Rockville House and the dwelling proposed at plot 3, whilst its height would be consistent with Rockville House. As such plot 4 would be reflective of the character and appearance of the streetscene.
18. For the above reasons, I conclude that the proposal would not be harmful to the character and appearance of the surrounding area. The proposal would therefore comply with Policy HP3 of the HDLP which seeks to provide high quality design that preserves character and appearance and reinforces local distinctiveness.

Burial Ground

19. The field to the rear of Delvers Lodge, which is located to the south and southwest of the application site is in use as a green burial ground. The far south western corner of the appeal site shares a boundary with the burial ground.
20. Views of the burial ground from the southern boundary of the appeal site are severely limited by the high hedge that runs along the length of this boundary extending to the rear of Delvers Lodge. The proposed dwelling at plot 2 would be set back into the site and away from the boundary with the burial ground. Views of the burial ground from the rear windows of this dwelling would therefore be constrained by both the distance and the oblique angle, in addition to the screening provided by the high hedge which is proposed to be retained. This is likely to be evident to visitors within the burial ground. As such it is unlikely that visitors would experience a perception of being overlooked from the windows of the dwellings.
21. With regard to views from the garden of plots 1 and 2 towards the burial ground, I am mindful that this part of the appeal site is already in use as garden which could be used by any number of people visiting the appeal property. Furthermore, I am mindful of the extant permission on the site which, subject to reserved matters being agreed, would inevitably involve the creation of garden areas in a similar location. As such, taking into account the retention of the hedge which would be reinforced with further planting, I am satisfied that the proposal would not result in a significant reduction in privacy for users of the burial ground.
22. Nonetheless I share the Council's concerns with regard to the potential for removal of proposed landscaping by the future occupiers of the dwellings.

Large trees could lead to significant shading of the garden areas and limit the views of open fields, increasing the likelihood of future occupants seeking to reduce or remove them. However, the provision of more detail, such as size and species as part of a landscaping scheme would allow for agreement of appropriate planting, minimising such potential. Were the development otherwise acceptable, such an approach could be secured via a suitably-worded condition.

23. The Delvers Lodge bungalow lies within the same ownership as the green burial ground and is understood to also be available for use by the bereaved. The majority of windows there are located on the south elevation with very few on the elevation facing towards the boundary. As these face onto the existing boundary treatment, they have a very limited outlook. I am therefore satisfied that the siting of the gable of Plot 2 some 2.5 metres from the boundary would not lead to unacceptable harm to the living conditions of occupiers of Delvers Lodge through an overbearing effect. Taking into account the position of the bungalow, the screening provided by the hedge, and that the majority of the garden area is located to the south of it, I am satisfied that the proposal would not have an overbearing effect on users of the garden.
24. Similarly, the siting of plot 4 adjacent to the Delvers Lodge access would not be harmful to the living conditions of occupiers of this bungalow due to the setback proposed, the boundary treatment and the majority of garden being located to the south and away from this boundary.
25. The proposal would therefore not be harmful to living conditions and would not result in a loss of privacy for visitors to the green burial ground. The proposal would therefore comply with Policy HP4 of the HLP which seeks to ensure developments preserve the living conditions of neighbouring occupiers.

Conclusion

26. For the reasons given above, namely that the proposal would not provide an appropriate mix of market housing, having considered the development plan as a whole, the provisions of the Framework and all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR