



Appeal Decision

Site visit made on 15 November 2021

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 22 November 2021

Appeal Ref: APP/E2734/W/21/3281793

Sprinkle Beck, Hutton Conyers, Ripon HG4 5LZ

- 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 M Houseman against the decision of Harrogate Borough Council.
 - The application Ref 20/05041/FUL, dated 14 December 2020, was refused by notice dated 4 March 2021.
 - The development proposed is detached bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The Council confirm that due to the additional drainage information provided by the appellant they no longer intend to pursue reason for refusal 4.
3. The main issues in this case are:
 - Whether the site is an appropriate location for housing with regard to the development plan, the Framework and the accessibility of services;
 - The effect of the proposal on the character and appearance of the area; and
 - The effect of the proposal on the living conditions of future occupiers with specific reference to privacy.

Reasons

Appropriate location

4. The appeal site comprises part of the garden of an existing dwelling situated directly off the A61 and outside of development limits defined in the Harrogate District Local Plan (Local Plan) (2020). Policy GS2 of the Local Plan sets out the growth strategy to 2035 for the Borough. It states that places not identified in the settlement hierarchy are considered to be part of the wider countryside. Policy GS3 of the Local Plan clarifies that new development outside of development limits will only be appropriate if permitted by other policies of this plan, a neighbourhood plan or national policy.
5. The proposal does not seek to provide a house for an essential rural worker or seek the conversion of a rural building. There is no evidence before me which indicates that the proposal would be supported by other policies in the Plan. The Council has indicated that it has more than a five-year supply of housing which is not disputed by the appellant and so the second part of Policy GS3 would not apply in this case.

6. The appeal site is situated some distance outside the village of Melmerby, and according to the appellant around half a mile from the nearest bus stop. The appeal site would be accessed directly off the A61 which is a busy trunk road with fast moving vehicles. The road has no footpath or lighting and so walking along this road to reach the nearest bus stop would be highly dangerous for pedestrians, particularly in the evenings, night-time and early mornings/late afternoon in the winter. Consequently, I consider that future occupiers would mainly use the private car to access services and facilities. The appeal site does not, therefore, have good access to services and facilities.
7. The proposal could utilise renewable energy and install electric vehicle charging points; however, whilst charging points could be installed, the purchase and use of an electric vehicle could not be controlled by a planning condition or planning obligation. In any event, these measures would not overcome the inaccessibility of the location. Attention is drawn to development which has been permitted in Rainton; however, this is a village. Furthermore, no details are provided of the development and so I cannot be certain that these cases are directly comparable to the appeal proposal which limits the weight which I can attach to them in my Decision.
8. For the reasons stated, the proposal is not in an appropriate location for housing and would, therefore, be contrary to Policy GS3 of the Local Plan. Furthermore, conflict arises with paragraph 80 of the National Planning Policy Framework (the Framework) which seeks to avoid isolated homes in the countryside unless certain circumstances apply, none of which are relevant to this case.

Character and appearance

9. The existing dwelling is a large, two-storey, brick property with a hipped roof, and hipped projection to the front. It is set back from the road with a driveway and parking to the front and gardens to the rear and sides. The dwelling is surrounded by relatively flat open landscape comprised of large, agricultural fields divided by intermittent hedgerow and trees. The A61 has a grass verge bound in places by stone walls, hedgerows and trees on either side. A collection of agricultural buildings lies to the north east, separated by a large field. Whilst there are some isolated dwellings the surrounding area is predominantly agricultural with an open and rural character.
10. The materials and hipped roof of the proposed bungalow would reflect that of the host dwelling. I acknowledge that the garden of the host dwelling is set lower than the road. However, the proposal would have an expansive hipped roof in order to accommodate rooms in the roof space. The ground floor of the bungalow would be relatively concealed whilst the roof would be highly visible from the road. Consequently, the view from the road would be largely that of an expansive roofscape.
11. Furthermore, the proposal would be situated in close proximity to the host dwelling eroding the sense of space around the host property. Taking these factors together, the proposal would appear as an incongruous addition at odds with the open and rural character and appearance of the surrounding area.
12. For the reasons stated, the proposal would harm the character and appearance of the area. It would, therefore, be contrary to policies HP3 and NE4 of the Local Plan which seek to ensure high quality building that protects, enhances or reinforces the

characteristics which contribute to local distinctiveness and protect, enhance, or restore the landscape character of the District.

Living conditions

13. The proposal would be situated in close proximity to the host dwelling at a similar orientation to the road. The existing dwelling has a number of large windows on the western elevation facing the appeal site. I noted on my site visit that the large, ground floor window serves the garage and is obscured. I also note that the appellant has suggested that the garage window could be bricked up. The two porthole windows serve a living area but are set at a high level.
14. The appellant has indicated that a high wall to the rear terrace could be built to avoid overlooking from the terrace to the rear garden of the appeal proposal. A condition to this effect could have been applied to any permission had I decided to allow the appeal.
15. Nevertheless, there is a large bedroom window which would overlook the driveway/front garden of the appeal proposal and from which the comings and goings from the proposed dwelling and anyone using the front of the appeal proposal would be visible. This would be to the detriment of the privacy of future occupiers of the appeal proposal.
16. For the reasons stated, the proposal would have a harmful effect on the living conditions of future occupiers with specific reference to privacy. It would, therefore, be contrary to Policy HP4 of the Local Plan which seeks to ensure that development proposals do not result in significant adverse impacts on the amenity of occupiers and neighbours. Conflict also arises with paragraph 130 of the Framework which seeks to ensure, amongst other things, a high standard of amenity for existing and future users.

Other matters

17. The appellant has submitted a document entitled 'Planning Obligation Suggestions'. However, a Section 106 planning obligation has not been submitted and the suggestions are matters which would normally be covered by way of planning conditions. I have considered the suggestions as part of my reasoning on the main issues.

Planning balance and conclusion

18. The Council has indicated that it has a 7.4 years supply of housing, a matter which is not contested by the appellant. The proposal would make a contribution, albeit limited, to housing supply. It would also make a contribution to the economy during the construction phase and in the longer term as future occupiers support local services. However, these benefits would not outweigh the significant harm which I have identified with regards to the main issues. The proposal would conflict with the development plan as a whole and there are no material considerations which indicate a decision other than in accordance with the development plan.
19. For the reasons stated, the appeal should be dismissed.

Caroline Mulloy

Inspector