



Appeal Decision

Site visit made on 1 December 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22nd December 2021

Appeal Ref: APP/E2734/D/21/3281784

46 Birstwith Road, Harrogate HG1 4TQ

- 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 and Mrs T Harwood against the decision of Harrogate Borough Council.
 - The application Ref 21/00474/FUL, dated 5 February 2021, was refused by notice dated 4 June 2021.
 - The development proposed is a first-floor side and rear extension.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - i. The character and appearance of the area
 - ii. The living conditions of the occupiers of 44 Birstwith Road, with particular regards to outlook

Reasons

Character and appearance

3. Harrogate Local Plan (HLP) Policies HP3 and HS8, amongst other matters, seek to ensure that new development does not adversely impact upon the character or appearance of the appeal dwelling or the surrounding area and respects spaces about and between buildings. The Council's House Extensions and Garages Design Guide SPD provides detailed guidance in respect of house extensions including the preservation of space between properties.
4. The built form of the local area is characterised by typically suburban semi-detached properties, of alternating styles, and the space between and around them.
5. The submitted plans show that proposed two storey side extension flush with the front of the appeal dwelling at the ground floor level and only a modest set back from front elevation at the first-floor level and set down to the ridge of the roof. The side elevation of the proposed extension is shown as being flush with the shared boundary to the neighbouring property No.44.
6. The effect of the proposed extension as shown on the submitted plans would be to significantly narrow the gap between the appeal property and the

neighbouring property, resulting in a loss of the separation and space between the neighbouring dwellings, a key characteristic of the area.

7. The appellant details that the street, consisting of alternating dwelling designs, does not lend itself to terracing. At the site visit I saw the alternating dwelling design but nonetheless the physical bulk of the properties is consistent, and the effect of the appeal scheme would be a terracing effect of the properties.
8. At the site visit I saw that some properties in the local area around the appeal site had been extended in a manner that is not dissimilar to that proposed here. However, the examples I saw including those referred to by the appellant, do not persuade me as to the acceptability of the appeal scheme.
9. To conclude this main issue, I find that the appeal scheme would harm the character and appearance of the area, contrary to Policies HP3 and HS8 of the HLP.

Living conditions

10. Relevant to the issue under consideration here, Policies HP4 and HS8 of the HLP, along with guidance set out in the House Extension and Garages Design Guide SPD, amongst other matters, seeks to protect occupiers and neighbours from overbearing effects of new extensions.
11. The submitted plans show a two-storey wall immediately adjacent to the shared boundary with the neighbouring property, extending the full depth of the dwelling, including the existing off shoot to the rear.
12. The Council acknowledge that the facing windows of the neighbouring property do not serve habitable rooms and I saw at the site visit that the closest part of No.44 includes a carport, creating a screening effect for the ground floor windows.
13. Nonetheless on the basis of the evidence before me and my observations on site, I find that as a result of the size and scale of the proposed extension in close proximity to the neighbouring property, the appeal scheme would result in harm to the living conditions of the occupiers of 44 Birstwith Road, with particular regards to outlook.
14. As such the appeal scheme is contrary to Policies HP4 and HS8 of the HLP, and the guidance set out in the House Extension and Garages Design Guide SPD.

Conclusion

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

Mr M Brooker

INSPECTOR