



Appeal Decision

Site visit made on 14 February 2022

by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 February 2022

Appeal Ref: APP/E2734/D/21/3289171

99 Dragon Parade, Harrogate HG1 5DG

- 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 Ann Ellis against the decision of Harrogate Borough Council.
 - The application Ref 21/03647/FUL, dated 11 August 2021, was refused by notice dated 5 November 2021.
 - The development proposed was originally described as 'side single storey extension to kitchen/dining'.
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Decision

1. The appeal is allowed and planning permission is granted for erection of single storey extension to side and rear at 99 Dragon Parade, Harrogate, HG1 5DG in accordance with the terms of the application, Ref 21/03647/FUL, dated 11 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 1:1250 Location Plan, 1:500 Site Plan and P02 Rev A – Nov 2020 (Proposed Ground Floor Plan and Elevations).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. I have used the more precise description from the Council's decision notice, which includes reference to the position of the proposal to the rear of the host dwelling, for the purposes of my decision.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of neighbouring occupiers at No 101 Dragon Parade with particular regard to outlook and privacy.

Reasons

4. Dragon Parade predominantly comprises of groups of two and three-storey terraced dwellings. The appeal dwelling is a two-storey end-of-terrace dwelling. It has a two-storey rear projection to the rear which gives the dwelling an

5. L-shaped layout. The neighbouring end-terrace at No 101 Dragon Parade also has a two-storey rear projection thereby roughly mirroring the layout of the appeal dwelling. Windows at No 101 include a ground floor rear facing window set back from the rear projecting elements of these dwellings and secondary ground floor kitchen windows in the elevation facing the appeal site.
6. The Harrogate Borough Council House Extensions and Garages Design Guide (2005) (the Design Guide) includes, amongst other things, guidance aimed at preventing overbearing and excessive overshadowing on neighbouring properties as a result of single storey extensions. However, the examples given relate to neighbouring dwellings with a constant rear elevation building line. In the case of Nos 99 and 101 Dragon Parade, there is an established relationship of two-storey rear projecting elements on these neighbouring dwellings.
7. The main aspect of the set back, ground floor, rear facing window at No 101 is down the yard and garden serving this neighbouring dwelling. The extension would sit at an oblique angle to this window. The ground floor side facing windows at No 101 are secondary windows and are set further away from the boundary. Taking these factors into account, as well as the single storey height of the proposal and its position set away from the shared boundary, I am satisfied that the quality of outlook for occupiers of No 101 would not be materially compromised beyond existing levels.
8. The high-level windows to the side elevation of the extension would not result in any harmful overlooking impacts. The patio doors would be set further towards the rear and would be partly off-set from the secondary kitchen windows serving No 101. The Design Guide acknowledges amongst other things that privacy is not so critical in kitchens and therefore distances between facing windows can be reduced. In any case, the proposal would only offer similar views to those that are already achievable from the existing ground floor side facing windows at No 99. Therefore, having regard to these factors and the existing intimate relationship between these two properties, any increase in levels of overlooking beyond the existing situation would be marginal.
9. Overall, even if the proposal does not fully comply with the guidance in the Design Guide, the proposal would not be materially harmful to the living conditions of neighbouring occupiers in this particular instance.
10. I conclude, the development would have an acceptable relationship with the living conditions of occupiers of No 101 Dragon Parade with particular regard to outlook and privacy. In that regard, it would comply with the amenity requirements of Policies HP4 (Protecting Amenity) and HS8 (Extensions to Dwellings) of the Harrogate District Local Plan (2020).

Other Matters

11. The appeal dwelling is located in the Harrogate Conservation Area (CA). I agree with the Council that the design of the proposal would have a neutral effect on the CA thereby preserving the setting of this heritage asset.

Conditions

12. I have attached the standard timescale for implementation and an approved drawings condition in the interests of certainty. The approved drawings indicate that the external surfaces of the development will include red facing brickwork

and a slate roof. Provided appropriate colour shades are chosen these materials would positively respond to the materials used on the rear elevations of the host dwelling. I have therefore attached a condition requiring that the materials match those used in the existing building.

Conclusion

13. For the reasons given I conclude that the appeal should be allowed.

M Russell

INSPECTOR