



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: 31st March 2022

Appeal Ref: APP/E2734/D/21/3281768

Greenways, 39 Hollins Lane, Harrogate HG3 2EG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under a development order.
 - The appeal is made by Mr & Mrs Verity against the decision of Harrogate Borough Council.
 - The application Ref 21/02113/PDAS, dated 5 May 2021, was refused by notice dated 21 June 2021.
 - The development proposed is raising existing roof of bungalow.
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Decision

1. The appeal is allowed and prior approval is granted under the provisions of Article 3(1) and Schedule 2, Part 1, Class AA of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) for raising existing roof of bungalow at Greenways, 39 Hollins Lane, Harrogate HG3 2EG in accordance with the terms of the application, Ref 21/02113/PDAS, dated 5 May 2021 and the plans submitted with it.

Main Issues

2. The main issue is whether or not the appeal scheme complies with the requirements of Class AA of Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 with particular regards to the loss of light in respect of adjoining premises and the external appearance (principal elevation) of the dwelling house.

Reasons

3. The local area accommodates a range of dwelling types, though in this particular section of Hollins Lane, bungalows predominate. The appeal property is a bungalow set within a modest plot. The neighbouring property 41 Hollings Lane is separated by a narrow strip of land and the driveway of that property.
4. I saw at the site visit that the side elevation of no.41 that faces on to the appeal dwelling accommodates a door and a number of windows that the Council identifies as being a "secondary window to a bedroom and a "window to serve a small study.
5. It is not at dispute between the parties that the appeal scheme would not overshadow no.41 and based on the evidence before me I have no substantive reason to find otherwise.
6. The submitted plans show that the height of the building would be notably increased but also that the hipped design of the roof would be retained, such

that the highest part of the roof is drawn away from the shared boundary with no.41. The submitted plans show and I saw at the site visit that the L-shape of the footprint of the appeal property results in an open aspect to the forward portion of the side elevation of no.41.

7. For the reasons detailed above and on the evidence before me I am satisfied that the appeal scheme would not result in an unacceptable impact on the amenity of the adjoining premises.
8. As detailed previously, while bungalows predominate this part of Hollins Lane at the site visit I saw that there were a variety of dwelling types in the local area including houses, dormer bungalows and a range of designs of bungalows such that there is not a uniform appearance, scale or height to the dwellings of the area.
9. The submitted plans show that the front elevation in particular would be notably increased in scale but would retain the general design themes of the existing property, including the hipped roof. As such, and with the use of appropriately matching materials, I am satisfied that the increased scale and height of the appeal dwelling would not harm the principle elevation and the streetscene.
10. Given the above, I conclude that the proposal would not result in unacceptable harm to the external appearance of the dwellinghouse.

Conditions

11. Prior approval under Class AA is subject to a number of conditions which are specified within paragraph AA.2.(2) and (3). It is not necessary to repeat these within the formal decision, but to assist the parties, they are summarised below.
12. Sub-paragraph (2)(a) requires that materials used in the exterior work must be of a similar appearance to those used in the existing dwellinghouse; (b) precludes windows in any wall or roof slope forming a side elevation; (c) requires the roof pitch of the principal part of the dwellinghouse to be the same as that of the existing house; and (d) requires that following the development, the dwellinghouse must be used for no other purpose than that falling within Class C3 of the Use Classes Order.
13. Sub paragraph (3)(b) specifies that before beginning the development, the developer must provide a report for the management of the construction, including hours of operation and measures for the mitigation of any impacts of noise, dust, vibration and traffic on adjoining occupiers. Development must be completed within three years of prior approval being granted to accord with sub paragraph (3)(c), and notification of the completion of development are required under (3)(d) and (e).
14. In addition, I have set out within my formal decision that the scheme shall be carried out in accordance with the submitted plans. Therefore, I do not consider that there are any further conditions which should be attached.

Conclusion

15. For the above reasons, I conclude that the appeal should be allowed, and prior approval granted.

Mr M Brooker

INSPECTOR