



Appeal Decision

Site visit made on 28 February 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20 April 2022

Appeal Ref: APP/E2734/D/21/3285694

26 Arthurs Avenue, Harrogate HG2 0DX

- 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 & Mrs P Bradley against the decision of Harrogate Borough Council.
 - The application Ref 21/02632/FUL, dated 16 June 2021, was refused by notice dated 11 August 2021.
 - The development proposed is first-floor side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. It was requested that I viewed the appeal site from the properties of 24 Arthurs Avenue and 2 Southway, and I was able to do so on my visit.

Background and Main Issues

3. The Council's reason for refusal refers to an overbearing development which would have a harmful impact on levels of light to neighbouring private amenity space. The appellants submit that the single issue is the effect of the proposal on light levels on a neighbouring house. However, the reason for refusal refers to an overbearing effect, and this has been raised in comments from residents of neighbouring properties at both the application stage and the subsequent appeal. Reference has also been made to loss of daylight. The appellants have had the opportunity to address these matters as part of the appeal, and I therefore consider that it is appropriate for me to consider these issues.
4. The Council's Officer report refers to the effect on the character and appearance of the area, although this is not referred to in its reason for refusal. However, the appellants have addressed this issue in their grounds of appeal, and I therefore consider that their interests would not be prejudiced if I considered this as part of my decision.
5. On that basis, the main issues are the effect of the proposal on the:
 - Living conditions of neighbouring residents with regards to outlook and light; and
 - Character and appearance of the area.

Reasons

Living Conditions

6. The appeal site is located adjacent to the dwelling of 2 Southway, which has a rear reception room looking onto a small private amenity area. Although the proposal would be set back from the boundary with No 2, both the reception room and amenity area would be located in close proximity to the site of the proposed extension.
7. Due to the arrangement of the properties, the existing gap between the host building within the appeal site and the neighbouring building at 24 Arthurs Avenue makes an important contribution to the sense of openness in views from the rear of No 2, as well as to the amount of indirect daylight reaching the rear of that property. The appeal proposal would lead to a significant infilling of this gap, even allowing for the smaller scale of the extension compared to the host building. This would lead to an unacceptable enclosing and oppressive effect on the outlook from the rear of No 2. The proposal would also lead to some loss of daylight to No 2, which would add to its overbearing effect.
8. The appellants have submitted detailed solar studies to demonstrate that the garden of No 2 is unaffected by direct shading. However, consideration of the effect on outlook and indirect daylight is more subjective. Based on what I have seen and read, the evidence provided by the appellants does not lead me to a different conclusion in respect of the harm I have identified to the living conditions of residents of No 2.
9. The proposal would bring the massing of the dwelling at first floor level closer to the boundary with No 24. There are windows to the side of No 24 which may be affected by loss of light and outlook. However, I saw that these are secondary windows where the amount of light and outlook is affected by the existing building. Furthermore, the main sources of natural light and outlook for the affected rooms are located to the front and rear, and the proposal would have a limited effect on outlook and light in respect of these features. The extension would be apparent from the garden of No 24, although this would retain its open character due to the relationship with surrounding properties, and the extension would have a limited effect on the outlook and levels of light of the garden. Although the proposal would affect the windows to the side of No 24, given the existing situation and the limited effect on the main windows, conservatory and garden, I do not consider that the proposal would lead to undue harm to the living conditions of residents of No 24 with regards to sunlight, daylight or outlook.
10. Notwithstanding my conclusions in respect of the effect on residents of No 24, I conclude that the proposal would lead to significant harm to residents of No 2 with regards to loss of outlook and daylight. The proposal would therefore be contrary to the amenity considerations of policies HP4 and HS8 of the Harrogate District Local Plan 2020 (the Local Plan). The proposal would also be contrary to the advice of the House Extensions & Garages Design Guide 2005 (the Design Guide) with regards to the consideration of an overbearing effect on neighbours.
11. I find no conflict with policy HP3 of the Local Plan on this matter as this relates to local distinctiveness rather than living conditions, although this does not negate my conclusions on this main issue.

Character and Appearance

12. The proposed extension would reduce the gap at first floor level between the host building and the dwelling at No 24. However, the extension would be set back from the side boundary and some degree of a gap would be retained. The extension would also be set back from the front elevation of the host building, and the eaves and the ridge of the roof would be lower than those of the main building. The proposed extension would therefore be clearly subservient to the host building. The material and finish of the extension could also be addressed by condition.
13. The dwellings within the streetscape are of various designs and arrangements, with gaps of varying widths between them. There is therefore no strong grain or rhythm of built development which contributes to the character of the area.
14. Due to its subservient design and within the varied context of the streetscape, the proposal would not appear as an incongruous addition to the building or lead to a terracing effect. The proposal would therefore not harm the character and appearance of the area. On that basis, the proposal would not conflict with policies HP3 and HS8 of the Local Plan in respect of local distinctiveness and the design considerations of extensions to dwellings. The proposal would also not conflict with the advice of the Design Guide in respect of two-storey side extensions and a potential terracing effect.

Conclusion

15. Notwithstanding my conclusions in respect of the living conditions of residents of No 24 as well as on character and appearance, the proposal would lead to significant harm to the living conditions of residents of No 2. The proposal would therefore be contrary to the Local Plan as a whole in respect of the consideration of amenity. There are no material considerations that indicate the application should be determined other than in accordance with the development plan. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR