



Appeal Decision

Site visit made on 30 March 2022

by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 May 2022

Appeal Ref: APP/E2734/W/21/3289743

West Croft, Day Lane, Thornthwaite HG3 2QR

- 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 Steve Coulter against the decision of Harrogate Borough Council.
 - The application Ref 21/01386/FUL, dated 31 March 2021, was refused by notice dated 5 July 2021.
 - The development proposed is retention of replacement dwelling.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development before me is retrospective, but I have nonetheless determined the appeal on its planning merits.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the surrounding area having particular regard to the location of the site within the Nidderdale Area of Outstanding Natural Beauty (AONB).

Reasons

4. This development concerns the replacement of a previously demolished bungalow in the AONB countryside. Taking the appellant's figures within the Appeal Statement, the development built has a smaller footprint than the demolished bungalow at 85.6m² compared with 137m², but a larger volume than the demolished bungalow at 544m³ compared with 344m³.
5. Policy HS7 of the Council's Local Plan (2020) (LP) supports replacement dwellings in the countryside subject to criteria which includes, amongst other things, that the new dwelling is not materially larger than the existing dwelling. Although there is no definition of what constitutes 'materially larger' for the purposes of this policy, I agree with the approach set down in the appeal decision¹ referred to by the appellant, where the Inspector considered that a planning judgement was needed taking into account the physical increase in floor area, volume and the perceived visual effects.
6. Policy HS7 must also be read in combination with Policies GS6 and NE4 of the LP, along with paragraphs 126, 134 and 176 of the National Planning Policy Framework (2021) (the Framework). These say, amongst other things, that

¹ APP/E2734/W/20/3252172

great weight should be given to conserving and enhancing landscape and scenic beauty in AONBs, which have the highest status of protection in relation to these issues.

7. The appeal site lies in a prominent position close to a rural road. It has a backdrop of a tree belt, which follows a beck and a small hillside to the rear, which contains pasture fields divided by stone walls. There are scattered houses nearby, including along Day Lane and a cluster of properties at Thornthwaite Brow. These are predominantly built of stone but of a mixed character. These surroundings share several of the key characteristics described in the Local Character Area. In this regard, in my view, the appeal site and surroundings contribute positively to the scenic beauty of this part of the AONB, with the high quality of the natural landscape, in particular, dominant in expansive views from nearby footpaths and roads.
8. From the evidence before me, the demolished bungalow did not appear to be of any particular architectural interest. However, given its distinctively low height it would not have been a dominant feature in the landscape. This contrasts with the height and massing of the replacement dwelling which has a significantly larger volume. Despite the rising landscape and backdrop of trees, the replacement dwelling is a prominent feature in views along Day Lane, Thornthwaite Brow and the footpath between these two roads from the memorial hall.
9. The hillside behind the appeal site is not particularly high. As such, and due to the scale of the development and its isolated, exposed position near the road, the replacement dwelling appears unduly intrusive and a striking feature that competes with the other elements in the AONB landscape. In this regard, despite the smaller footprint, having regard to the increased volume and visual effects, I find that the development is materially larger than the demolished bungalow. Moreover, it is of a scale which, in this location, detracts from the scenic beauty of the AONB.
10. In reaching this conclusion, I have also had regard to the planning history of the bungalow prior to its demolition, which included permission to extend. However, as this was for a single storey rear extension, whilst increasing the overall size of the bungalow, the development before me would still appear materially larger from the views I have identified.
11. Properties in the area are a range of sizes, though large houses are not a defining characteristic. Moreover, my attention has been drawn to a recent dwelling at Hookstone House Farm which can, in some views, be seen in combination with the development or in succession when turning from a single point. However, I do not have full details of the circumstances that led to that dwelling being accepted. Moreover, it is positioned within the building group containing several houses at Thornthwaite Brow, rather than being in a similarly isolated and exposed position. As such, it does not draw the eye like the appeal development does and these matters do not overcome or outweigh my concerns regarding the development's scale and massing in this location.
12. The number and formal spacing of roof lights and the Juliet balcony at the first-floor level to the rear results in an elevation composition that does not harmonise with the simplicity of more traditional local vernacular within the area. Whilst accepting the limited visibility of the rear, even small design elements can erode the high quality of the area. As such, whilst other elements

of the design, including the materials and fenestration pattern to the front and sides, are in keeping with the local vernacular, the composition of the rear elevation, nonetheless adds to the harm I have previously identified.

13. Drawing the above together, I conclude that the development has an unacceptable effect on the character and appearance of the surrounding area having particular regard to the location of the site within the Nidderdale AONB. As such, I find conflict with Policies HS7, GS6 and NE4 of the LP and paragraphs 126, 134 and 176 of the Framework.

Other Matters

14. The appellant has provided a Landscape and Visual Appraisal (LVA) which assesses the development before me against a replacement dwelling approved in 2015. I accept that the differences between the two are unlikely to be discernible at longer distances. However, despite some similarities in the design, it is in closer views, where I have previously found harm, where the differences in scale and fenestration detailing, would be apparent.
15. Even if I compare the development before me with the 2015 replacement dwelling, whilst it was taller than the bungalow, overall, it had a modest scale and proportions, with both a footprint and volume that was less than the demolished bungalow. Moreover, it had a simple form and appearance throughout, including in the composition of its fenestration.
16. The combination of these elements, resulted in an overall design that was not materially larger than the bungalow, or harmful to the character and appearance of this part of the AONB. This contrasts with the development before me, as I have outlined in the main issue. I am not, therefore, persuaded that the 2015 approval or the findings of the LVA, justify a departure from the development plan in this instance.

Conclusion

17. For the reasons given above, the development conflicts with the development plan and there are no material considerations that outweigh that conflict. Therefore, the appeal is dismissed.

Mr R Walker

INSPECTOR