



Appeal Decision

Site visit made on 29 March 2022

by C Megginson

an Inspector appointed by the Secretary of State

Decision date: 11th May 2022

Appeal Ref: APP/E2734/W/22/3290441

11A Castle Street, Spofforth HG3 1AP

- 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 Hodgson against the decision of Harrogate Borough Council.
 - The application Ref 21/04368/FUL, dated 4 October 2021, was refused by notice dated 13 December 2021.
 - The development is described as an outbuilding.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. From my site visit and based on the evidence before me, the outbuilding has been completed and therefore the appeal seeks permission retrospectively.

Main Issues

3. The effect of the development upon:
 - the character and appearance of the Spofforth Conservation Area, and
 - the living conditions of the occupiers of the neighbouring property at 13 Castle Street, with particular regard to outlook, light and privacy.

Reasons

Character and appearance

4. The appeal site is within the rear garden of 11A Castle Street, within the Spofforth Conservation Area (CA). The Spofforth Conservation Area Character Appraisal (2008) highlights the terraced buildings of Castle Street as buildings of local interest and recognises a number of stone walls around the village as important boundaries. The simplicity of design and uniformity of materials in these buildings and stone walls contribute to the character, appearance and significance of the CA.
5. The long rear garden of 11A Castle Street features a stone wall on the boundary shared with 13 Castle Street. The appeal proposal is a wooden outbuilding with an open canopied flat roof section adjoining a hexagonal enclosed element with a turret roof. The outbuilding directly adjoins the boundary between the rear of the properties and the detached garage. Whilst there have been some modern additions to the rear of the appeal property such as bifolding doors, glass balustrades and the large, detached garage, the simplicity of design and uniformity of stone and render materials remains.

6. The appellant states that the hexagonal roof is designed to mirror that of Spofforth Castle. Despite this, the black felt material of the roof and its overall height and shape, stands out as a dominant and incongruous feature.
7. The harm that arises is localised and therefore the impact on the CA as a whole is less than substantial when considering the provisions of the National Planning Policy Framework (the Framework). In such circumstances the Framework states that harm should be weighed against the public benefits of the proposal. Benefits in this case appear to be largely private, and, as such do not outweigh the harm that I have identified to which I am required to give great weight.
8. Thus, my conclusion is that the proposal has an adverse effect on the character and appearance of the CA, and in doing so fails to preserve the character and appearance of the CA. The proposal causes less than substantial harm to the significance of the CA and in the absence of any public benefits to outweigh this harm, is in conflict with Policy HP3 of the Harrogate District Local Plan (2020), the House Extensions and Garages Design Guide Supplementary Planning Document (2005) (SPD) and the National Planning Policy Framework (the Framework), which seek to secure high quality design that enhances or reinforces local distinctiveness.

Living conditions of neighbours

9. The outbuilding is located to the south and on higher ground than the neighbouring garden at 13 Castle Street. Looking at the trackpath of sunlight, the outbuilding will overshadow the garden and ground floor bedroom window of No. 13 for a substantial part of the day.
10. I appreciate that the ground levels of properties in Spofforth differ greatly and recognise that excavation to lower the natural ground level to a degree prior to construction has taken place. However, whilst the roof of the outbuilding angles away from the neighbouring window and garden, the height of the turret roof element of the outbuilding, in such close proximity dominates the outlook from the same bedroom window and garden at No.13.
11. In these circumstances, I conclude that the loss of sunlight and the overbearing outlook from the ground floor bedroom window, causes unacceptable harm to the living conditions of the occupants of 13 Castle Street. The proposal conflicts with the objectives of Policy HP4 of the Harrogate District Local Plan (2020), the SPD and paragraph 130 f) of the Framework, which seek to protect the amenity of existing residents.
12. From my site visit and from the evidence before me, the outbuilding does not allow overlooking of the neighbouring room or garden, therefore, I find no harm to the privacy of 13 Castle Street as a result of the development. This is in accordance with the objectives of Policy HP4 of the Harrogate District Local Plan (2020), the SPD and the Framework, which seek to protect the amenity of existing residents.

Other Matter

13. The appellant states that the outbuilding itself without the turret roof falls under permitted development rights. I have limited information on the permitted development rights referred to in this case. In any event I consider that the potential development which may be made under permitted

development powers does not justify the harm that the proposal would cause in this instance.

14. The appellant has provided images of a previous outbuilding dating pre 1950 which appears to be in a similar position to the appeal scheme. It is difficult to see from the images how the previous outbuilding related to the neighbouring property as in the images the roof of the previous outbuilding does not appear to exceed the height of the boundary wall. I have therefore considered the appeal scheme on its own merits.

Conclusion

- 15.** The appeal scheme conflicts with the development plan. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with it. The appeal should therefore be dismissed.

C. Megginson

INSPECTOR