



Appeal Decision

Site visit made on 29 March 2022

by C Megginson BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th May 2022

Appeal Ref: APP/E2734/D/22/3290574

Esscroft, Walkers Passage, Harrogate HG1 5AQ

- 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 D Starling against the decision of Harrogate Borough Council.
 - The application Ref 21/04565/FUL, dated 18 October 2021, was refused by notice dated 16 December 2021.
 - The development proposed is side extensions and new raised roof incorporating dormers.
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Decision

1. The appeal is dismissed.

Main Issues

2. The effect of the development upon:
 - the character and appearance of the Harrogate Conservation Area, and
 - the living conditions of the occupiers of the neighbouring properties at 13 Park Chase and 27 Christ Church Oval, with particular regard to outlook, light and privacy.

Reasons

Character and appearance

3. Esscroft lies within the North East Residential Area sub area of the Harrogate Conservation Area (CA). The CA is a large one, and as such its character varies between different areas and eras of development within the CA. The conservation area's significance is derived from its origins as a spa in the 1600s and its incremental development, with more considerable change occurring in the 18th and 19th centuries. The conservation area's streets are varied in the size, design and use of the buildings. Despite this, the overall simplicity of design in the area, including the appeal site, contributes to the character, appearance and significance of the CA.
4. Esscroft is a detached bungalow of a simple, straightforward design, which lies to the rear of Park Parade, where it takes its access. To the north of the property is Park Chase which contains semi-detached and detached dwellings. To the south is Walkers Passage which is identified as a strategic pedestrian route in the Harrogate Conservation Area Character Appraisal (2010) and beyond this, a single detached dwelling at 27 Christ Church Oval. A large area of open space is adjacent to the west and is identified as significant open space

- within the CA. Immediately to the east is a car parking area and garage blocks to the rear of Harrogate Register Office and a commercial garage.
5. The appeal proposal would include proposed extensions to the north and south elevations, would increase the height of the property and would include a gable projection to the east elevation and two pitched roof dormers to the west elevation.
 6. I note the disagreement between the appellant and the Council regarding the distance between properties and the measurements of the proposed height increase and it is not possible for me to confirm the correct measurements from the evidence before me. However, I consider that regardless of the exact height increase, the proposal would dominate the roof, fundamentally altering its shape and unbalancing its form.
 7. Despite the proposal to have matching materials, and the improved view from the open space of the building at Esscroft, the introduction of a number of different size dormers, roof shapes and window sizes within the appeal proposal would introduce a confusing and unconventional arrangement. This would be contrary to guidance within the Harrogate Borough Council's House Extensions and Garages Design Guide (2005) (the SPD) which states, in summary, that where dormers are acceptable, they should not be so numerous or large that they dominate the roof.
 8. The harm that would arise would be localised and therefore the impact on the CA as a whole would be 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.
 9. The appellant has outlined that the appeal proposal will address the severe shortage of multi-generational houses within Harrogate, providing accommodation for an elderly relative within walking or cycling distance of other family members. Whilst I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. I have limited evidence before me on the shortage of multi-generational houses. I acknowledge that there is a need to modernise the property and to allow space for working from home, however, these requirements could be met without the unconventional arrangement proposed. For these reasons, I therefore find that these factors are not sufficient to outweigh the harm that I have identified to which I am required to give great weight.
 10. Thus, my overall conclusion is that the proposal would have an adverse effect on the character and appearance of the host property and the CA, and in doing so would fail to preserve the character and appearance of the CA. The proposal would cause less than substantial harm to the significance of the CA and in the absence of any public benefits to outweigh this harm, would be in conflict with Policies HP2, HP3 and HS8 of the Harrogate District Local Plan (2020), the SPD, the Framework and the Harrogate Conservation Area Character Appraisal (2010) which seek to secure high quality design that enhances or reinforces local distinctiveness.

¹ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'

Living conditions of neighbours

11. Esscroft sits on higher ground compared to 13 Park Chase and from my site visit I could see that the existing outlook from the rear garden of No13 includes a view of the appeal property. The appeal proposal would include an extension to the north elevation that would move the building closer to No13. Whilst I appreciate that the roofline of the proposed scheme may be lower than neighbouring properties, nevertheless the extensions proposed and the increase in roof height in close proximity to the rear of No13 would dominate the outlook from their rear garden to an unacceptable degree.
12. 27 Christ Church Oval is separated from Esscroft by Walkers Passage and a high hedge. Whilst the proposals include an extension to the south towards No27, the separation distance and the intervening hedge would reduce the impact on the outlook from No27 to an acceptable degree.
13. Esscroft is located to the south and on higher ground than the neighbouring garden at No13. Looking at the trackpath of sunlight, the proposed extensions on the north elevation and increased roof height, would overshadow the garden of No13 for part of the day. The Building Research Establishment publication "Site Layout Planning for Daylight and Sunlight" by Paul Littlefair, mentioned in the SPD and by the appellant, states that to avoid overshadowing, at least half of the neighbouring garden must have at least 2 hours of direct sunlight on the 21st March. From my site visit and from the evidence before me, I consider that the appeal proposal would allow the required levels of sunlight to the garden of No13, in line with the guidance and therefore the proposed development would not result in the loss of light to an unacceptable degree.
14. Due to the orientation of No 27 to the south of Esscroft and the distance between the properties, I consider that the appeal proposal would not have an unacceptable impact on light to No 27.
15. The Council's reason for refusal raises a concern about privacy, however, this is not consistent with the officer report. The appeal proposal features obscure glazing to windows in the north elevation and therefore there would be no loss of privacy to 13 Park Chase. Similarly, the appeal proposal features obscure glazed windows in the south elevation and the removal of the existing dormer that faces 27 Christ Church Oval. Consequently, there would be no loss of privacy to No27.
16. For the foregoing reasons, whilst I have not found any harm to privacy or light for 13 Park Chase or to privacy, light or outlook for 27 Christ Church Oval, I conclude that the proposed development would have a harmful effect upon the living conditions of the occupiers of the neighbouring residential property at 13 Park Chase, with particular regard to outlook. The proposal is therefore contrary to the amenity protection aims of Policies HP4 and HS8 of the Harrogate District Local Plan (2020), the Framework, and the SPD, which seek to protect the amenity of existing residents.

Other matters

17. Whilst the occupants of 13 Park Chase and 27 Christ Church Oval have not objected to the proposal, the absence of objection does not in itself render the scheme acceptable. My attention has been drawn to other extensions in the area, including a number of dormer windows and roof alterations. I have

limited evidence on these cases. The circumstances in each proposal are likely to be different, and in any event the fact that apparently similar proposals may have been permitted is not a reason, on its own, to allow unacceptable development. I have concluded that the proposal would cause harm for the reasons set out above.

Conclusion

18. 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