

Appeal Decision

Hearing held on 20 and 21 July 2022

Site visit made on 21 July 2022

by Chris Baxter BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2022

Appeal Ref: APP/E2734/W/21/3286643

Land at Water Lane, Water Lane, Knaresborough HG5 0PA

- 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 Geoffrey Holland against the decision of Harrogate Borough Council.
 - The application Ref 20/03315/FULMAJ, dated 28 August 2020, was refused by notice dated 5 August 2021.
 - The development proposed is described as “residential development of 170 dwellings (comprising 19x1 bed, 70x2 bed, 55x3 bed, 24x4 bed and 2x5 bed units) including access, landscaping, play facilities and ancillary development”.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. A Unilateral Undertaking (UU) was submitted at the Hearing however, it was not signed. I allowed a period up to 5 August 2022 for the UU to be signed and executed. The final signed UU was submitted within the prescribed time.
3. The proposed scheme has undergone various alterations from its original submission at the application stage. The Council indicate that the plans which were considered at the Planning Committee, and which the Council made a decision on, should be those plans to be considered with this appeal. The appellant states that the plans submitted with the appeal should be those that should be considered. It was described to me that the main differences between the plans that the Council made a decision on and those that have been submitted with the appeal, were the removal of properties on plots 23 and 54, and alterations to parking areas. The Council explained at the Hearing that the reasons for refusal and their concerns remained valid with both schemes.
4. At the Hearing, evidence was presented on both schemes, the plans which the Council made a decision on and those that were submitted with the appeal. I have assessed both schemes together, except where otherwise indicated.

Main Issues

5. The main issues are:
 - the effect of the proposal on the surrounding area and future users with particular regard to layout design, quantum of development, density, children’s play provision and pedestrian and cycle routes;

- the effect of the proposal on highway safety with regards to access and wider road network; and
- whether the proposal provides suitable affordable housing provision with regards to tenure and design requirements.

Reasons

Effects on surrounding area and future users

6. The appeal site can be described as being edge of settlement with built development to the south and west, with fields to the north and the Hay-a-Park Site of Special Scientific Interest (SSSI) comprising three lakes to the east of the site. The character of the area surrounding the appeal site has been described as suburban of predominantly residential properties set adjacent to countryside environment.
7. It was explained that around 44 of the proposed units would have front parking with others having side or integrated parking. Due to the tight knit built form proposed in some areas of the site, the hard standing of the parking/driveway areas would be a dominating feature. There would be elements of landscaping separating the parking areas however, this would be limited, and the stark appearance of the hard standing would be prominent, appearing as compromising features. The car parking spaces associated with the apartment blocks would be clumped together with minimal soft landscaping between individual spaces. Whilst the use of different materials can distinguish roads from parking spaces, these parking areas would nevertheless appear as vast areas of hard standing that would detract from the appearance of the proposed street scene.
8. Some plots would have associated garages and parking located remotely from the property. These plots would have garages and parking which would be considerable distance from the property. Although garages may back onto the rear amenity areas of the properties, the positioning of the garages and parking would be a contrived arrangement having substandard surveillance over the properties own parking areas and having poor accessibility.
9. The parking strategy for large parts of the proposed scheme would not be acceptable in terms of appearance and accessibility. The layout design for the parking would provide vast areas of hard standing that would dominate the front street scenes of the development and would not be concomitant to an edge of settlement development with a suburban character. Proposed side streets, described as courtyards, would be lacking in substantial soft landscaping with parking having an overbearing prominence that would not provide a pleasant street environment.
10. The proposal provides a pedestrian and cycle route around the majority of the perimeter of the site as well as integrating the existing Public Right of Way (PROW). The proposed layout design would provide areas of pedestrian and cycle links which are substandard. There are properties including one of the apartment blocks that would overlook some of the circular footpath along the south boundary of the site. There would be a significant portion of the circular footpath along the south boundary that would not be fronted by properties. Due to the positioning of the properties at units 1, 145 and 170, in relation to the proposed retaining wall (with a maximum height of 600mm) and landscaping. The footpath

at this section would be linear, appearing narrow and uninviting, as there would be minimal surveillance from surrounding properties, including the existing properties to the south which either don't directly face the site or are screened by existing trees and landscaping.

11. There would be connectivity between the proposed cul-de-sacs and the perimeter of the site as well as general surveillance from properties fronting onto the perimeter open space areas, the children's play area and the main roads. Within the built form of the scheme, there are however public and private footway links proposed, including the footway between plots 100 and 102, that would be flanked by high boundary treatment creating long narrow walkways that would have little surveillance with an overbearing environment that would be undesirable for users to walk along.
12. The proposed built development, given the form of the buildings, layout and positioning of individual properties would appear cramped in places. Separation distances allowing for acceptable living conditions for future residents are mostly achieved. However, there are properties proposed which are within close proximity to each other, they would appear contrived and subsequently would have an overbearing appearance on the immediate setting. The close proximity of some of the proposed properties to the roads and the reliance on parking immediately to the front of the properties, would result in a cluttered street scene with buildings dominating the street environment. The proposal would not adequately provide a development that naturally assimilates from the built form of the settlement into the open countryside beyond.
13. The proposed children's play area would be located within an area described as a detention basin. It was explained at the Hearing that the majority of surface water would be collected by a pipe system diverted along the spine road into the proposed pond to be located in the south east corner of the site. The likelihood of the detention basin being required to retain water would be on occasions of 1 in 100 rainfall events as well as overland surface water flow occurring. It was described that should such an event happen then the likely depth of water collection within the detention basin would be around 31 centimetres and last for approximately 3 hours. Given the drainage design of the scheme and the likely frequency of such a rain event occurring requiring the detention basin to be used to store water, the location of the children's play area would be acceptable.
14. The proposal provides a landscape strategy that offers substantial landscape buffer with the SSSI, screening to the properties to the west of the site, retention of important trees and hedgerows, and introduces around 700 new trees with ponds, swales and open space land, described as making up approximately 37% of the site. The proposed palette of materials for the properties would reflect the appearance of existing buildings in the area with the appellant indicating that there is no dispute over the scale, massing, house planning, elevational appearance or choice of materials for the development.
15. The existing housing estate immediately to the south of the site has been described as phase 1 scheme with the appellant stating at the Hearing that the proposal is not intended to be a copy of this phase 1 development. It is an agreed matter that the density of the appeal scheme is 34 dwelling per hectare which falls within the lower end of the indicative range identified in the adopted plan.

16. The scheme has a lower end density figure and would not have any adverse effects in terms of children's play area, perimeter landscaping, open space areas and the appearance of the individual buildings. Nevertheless, there are large areas of the proposal where hard standing parking areas would dominate the street scene, appearing as intrusive elements of the built environment. Pedestrian and cycling links are poor and substandard in some locations on the site, lacking natural surveillance and would be undesirable to future users. Some garages are also abnormally detached from their associated houses, offering poor accessibility and surveillance opportunities. The layout, design and positioning of proposed buildings would introduce a development that would be mostly cramped with buildings in a tight knit arrangement. The cumulative effect of all these matters creates a scheme that would be of poor quality that would not create a safe and accessible environment. The proposal would not reflect a high-quality edge of settlement suburban residential scheme.
17. Accordingly, the proposal would have a harmful effect on the character and appearance of the surrounding area as well as having harmful effects on future users. The proposal would be contrary to Policies HP3, HP4 and HP5 of the Harrogate District Local Plan 2020 and the National Planning Policy Framework (the Framework) which seeks development to incorporate high quality building, urban and landscape design, be designed to ensure there are no significant adverse impacts on occupiers and that satisfactory diverted PROWs deliver a level of recreational and amenity value at least as good as the route being replaced.
18. Due to the importance that is placed on achieving well-designed places and the cumulative harm that the proposal would bring in terms of the effect on the surrounding area and future users, the weight I attribute to this harm is significant.

Highway safety

19. The Council had raised concerns with the effect of the scheme on highway safety which included matters relating to the proposed emergency access onto Water Lane, traffic calming measures and the effect on Hyde Park Road/Boroughbridge Road and Bond End Double Roundabout junctions.
20. A number of highway related planning conditions were suggested at the Hearing. These conditions included details to be submitted in relation to off-site highway mitigation measures at Hyde Park Road/Boroughbridge Road and Bond End Double Roundabout junctions; traffic calming measures on Mint Garth; and access arrangements along Water Lane, as well as a requirement for a Traffic Regulation Order.
21. The Council stated at the Hearing that they were satisfied with the suggested conditions and that they would overcome any concerns in relation to highway safety matters. Accordingly, I find that the proposal would not have a harmful effect on highway safety with regards to access and the wider road network.

Affordable provision

22. The proposed development includes 40% of the units to be affordable housing. Whilst the Council were generally satisfied of the overall affordable housing contribution there were specific concerns in terms of tenure and design issues.

23. The concerns primarily related to the lack of bathroom windows in some of the identified affordable units as well as affordable units being mixed with market units in the proposed apartment blocks. At the Hearing, the appellant suggested conditions in relation to the affordable housing which would ensure that bathroom windows were provided in all the affordable units as well as redistributing the affordable units so the apartment blocks did not have a mix of affordable and market units. The Council were satisfied with this approach and indicated that this would resolve their concerns.
24. On this basis, I am satisfied that the proposal would provide affordable housing provision that would be adequate in terms of tenure and design.

Other Matters

25. The proposal would be the development of an allocated housing site within the settlement boundaries of Knaresborough, being in a suitable location close to shops, services and facilities including schools and GP surgery as well as a range of public transport options such as the railway station. The site has been described as having low ecological value with the proposal not having any adverse effects in terms of flooding, drainage, archaeology, land stability and contamination. It has been indicated that loss of habitat would not be significant and that there are mitigation and biodiversity gains brought through the proposed development. It is inevitable that a residential scheme of this nature would have social, environmental and economic benefits and including the matters described above, given the scale of the proposed development, I would attribute moderate weight to these benefits.
26. A signed UU has been submitted which details obligations for affordable housing and contributions towards highway infrastructure, education, healthcare and public open space. The affordable housing provision would contribute to a mix of housing types on the site. Due to the degree of affordable provision proposed along with the other contributions, I would attribute moderate weight to these benefits.

Conclusion

27. The proposal would not have a detrimental effect on highway safety and adequate affordable housing would be provided within the scheme. However, these matters and the benefits described above would not outweigh the significant harm I have identified with regards to the effect on the surrounding area and future users.
28. The proposal would conflict with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding.
29. Therefore, for the reasons given above, the appeal should be dismissed.

Chris Baxter

INSPECTOR

APPEARANCES

FOR THE APPELLANT:

J Cunnane	Planning Consultant
P Village QC	Counsel
S Haines	Architect
D O'Leary	Landscape Consultant
C Hereward	Solicitor
J Morgans	Flood & Drainage Consultant
S Giles	Highways Consultant
P Carlisle	Architect
R Allman	Highways Consultant
M Woods	Ecology Consultant

FOR THE LOCAL PLANNING AUTHORITY:

H Sargent	Counsel
K Broadbank	Harrogate Borough Council – Case Officer
K Lavelle	Harrogate Borough Council – Legal
J Tuck	Harrogate Borough Council – Housing
K Jameson	North Yorkshire County Council – Highways
G Roberts	North Yorkshire County Council – Highways
C Armitage	Harrogate Borough Council – Appeal Support
J Doe	Harrogate Borough Council – Appeal Support
A Ross	Harrogate Borough Council – Legal
A Lakhanpall	Harrogate Borough Council

INTERESTED PERSONS:

A Bell	Local Resident
K Langley	Local Resident
A Wrigglesworth	Local Resident
D Worner	Local Resident