The Planning Inspectorate

Appeal Decision

Site visit made on 4 October 2022

by N Teasdale BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 October 2022

Appeal Ref: APP/E2734/D/22/3306022
28 Woodlands Road, Harrogate, North Yorkshire HG2 7AY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant full planning permission.
- The appeal is made by Mr Andrew Swart against the decision of Harrogate Borough Council.
- The application Ref 22/02238/FUL, dated 6 June 2022, was refused by notice dated 19 August 2022.
- The development proposed is demolition of conservatory and garage and erection of a single storey rear and side extension.

Decision

1. The appeal is allowed and planning permission is granted for demolition of conservatory and garage and erection of single storey rear and side extension at 28 Woodlands Road, Harrogate, North Yorkshire HG2 7AY in accordance with the terms of the application, Ref 22/02238/FUL, dated 6 June 2022, and the plans submitted with it, subject to the following conditions:

    1) The development hereby permitted shall begin not later than three years from the date of this decision.

    2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

    3) The development hereby permitted shall be carried out in accordance with the approved plans: Location Plan – 1.2; Existing and Proposed Site Plans – 1.4; Existing Plans and Elevations – 1.3; Proposed Plans and Elevations – 1.5 Rev B.

Main Issue

2. Whether the proposed development would provide acceptable living conditions for the occupiers of 26 Woodlands Road, in relation to outlook and light.

Reasons

3. The appeal property relates to a two-storey semi-detached dwelling which is enclosed by a low fence to the rear which separates the property from 26 Woodlands Road.

4. The host property already benefits from a conservatory to the rear along with a detached garage and the proposed development would replace both with a single storey rear and side extension.

5. The proposed rear extension would span across the whole width of the rear elevation and whilst it would be larger than the existing conservatory in terms of height and depth, it would remain to be single storey of a low height.

6. Whilst the extension would be visible from 26 Woodlands Road, its low height and lean-to form, together with the limited overall depth, ensures that the proposed development would not represent a visually overbearing feature for the occupiers of 26 Woodlands Road particularly when taking into account the existing conservatory which already sits on the boundary of the neighbouring property.

7. Furthermore, given the overall limited height and depth, the proposed development would not result in an unacceptable harm having regard to light.

8. I appreciate that due to the projection of the extension from the rear elevation, it would be a breach against the guidelines set out within the House Extensions and Garages Design Guide Supplementary Planning Document (SPD). However, the proposed development does not conflict with the overall principle of the guidelines which amongst other matters, seeks to prevent overbearing and excessive overshadowing.

9. Given that the extension is replacing an existing conservatory and is acceptable in size and scale, I conclude that the proposed development would not have an unacceptable impact on the living conditions of the occupiers of 26 Woodlands Road in relation to outlook and light. The proposed development would therefore comply with Local Plan Policies HP4 and HS8 and the guidance in the SPD which together, amongst other things, seek to ensure there is no adverse impact on the amenity of occupiers and neighbours. The proposed development would also accord with chapter 12 of the National Planning Policy Framework (Framework) relating to achieving well-designed places.

Conditions

10. I have considered the conditions suggested by the Council including the standard time for commencement of development which I have applied. I also agree that a plans condition is necessary in the interests of certainty. A condition relating to materials is also required in the interests of the satisfactory appearance of the development.

Conclusion

11. For the reasons given above and having had regard to the development plan as a whole, the appeal is allowed, and planning permission is given subject to the attached conditions.

N Teasdale

INSPECTOR