



Appeal Decision

Site visit made on 6 June 2023

by A Caines BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 June 2023

Appeal Ref: APP/E2734/W/23/3320391

7 Laburnum Grove, Harrogate, North Yorkshire HG1 4EH

- 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 Titan Properties Ltd against the decision of: Harrogate Borough Council.
 - The application Ref 22/03991/FUL, dated 13 October 2022, was refused by notice dated 7 February 2023.
 - The development proposed is described as 'new dwelling to vacant plot'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development on:
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 6 and 10 Walnut Grove, with particular regard to outlook.

Reasons

Character and appearance

3. Although the site address is given as 7 Laburnum Grove, it fronts onto Walnut Grove and is effectively an infill plot between 6 and 10 Walnut Grove. Most of the dwellings in Walnut Grove are bungalows¹, but Nos 10 and 12 are a pair of two-storey, semi-detached houses. 1 Walnut Grove is also part of a two-storey, semi-detached pair at the corner with Grosvenor Road. The surrounding streets contain a similar mix of bungalows and two-storey houses.
4. The proposal is for a 3-bed dwelling with the first floor accommodation provided partially within the roof space and served by half dormers at the front and rear. I note that the design of the scheme has evolved following a previous refusal at the site, with attempts made to reduce its height and massing.
5. However, the result is a contrived design, appearing as neither a bungalow, nor a two-storey dwelling, and as such, would diverge discordantly from the established character of the area. The difference in appearance would be accentuated by the deep area of brickwork between the windows and eaves, and dormers that uncharacteristically break the eaves line. The off-centre

¹ All reference to bungalows includes those with roof space accommodation.

positioning of the front dormer would also look odd, despite being aligned with the windows below. The overall result is a development that would look particularly out of character, notwithstanding the use of appropriate building materials.

6. I do not share the Council's concerns regarding the depth of the development. However, this does not overcome my concerns in relation to the height and design of the dwelling.
7. I therefore conclude that the development would unacceptably harm the character and appearance of the area. This is contrary to Policy HP3 of the Harrogate District Local Plan (2020) (the LP), which requires high quality design that enhances or reinforces local character and distinctiveness, amongst other things. It is also inconsistent with paragraphs 130 of the National Planning Policy Framework (the Framework) as it would not add to the overall quality of the area and would not be sympathetic to the local character.

Living conditions

8. The dwelling would project beyond the main rear elevations of both 6 and 10 Walnut Grove. The Council is concerned that this would have an overbearing effect on these properties.
9. However, No 10 has a large rear extension, including a substantial garage that runs along most of the rear boundary with the appeal site. Moreover, the dwelling has been designed to step down to a single-storey flat roof at the rear, while the main hipped roof would slope away from the boundary. As such, it would not be unduly prominent or overbearing in the rear outlook and garden of No 10.
10. Although No 6 is a bungalow, the dwelling would be sited further away from the boundary on this side. No 6 also has a spacious garden with a wide outlook. The appellant has shown that a 45-degree line taken from the centre of this neighbour's nearest rear window would only be broken by the single-storey, flat roof part of the dwelling. As this element would be limited in length and not much higher than the boundary hedge, there would be minimal impact on the rear outlook and garden of No 6.
11. I therefore conclude that the development would not harm the living conditions of the occupiers of 6 and 10 Walnut Grove, with particular regard to outlook. As such, the proposal complies with Policy HP4 of the LP, which seeks to protect the amenity of neighbouring occupiers.

Other Matters

12. I recognise that the proposal would bring with it some benefits in the form of providing a new home in a suitable location. However, the benefits from just one dwelling would be small and would not outweigh the harm I have identified and the resultant conflict with the development plan and the Framework when read as a whole.
13. Whilst the appellant's concerns over the Council's handling of the application are noted, these are not matters which fall within the scope of this appeal.

Conclusion

14. Although the proposal would not harm the living conditions of neighbouring occupiers, it gives rise to significant conflict with the contents of the development plan relating to character and appearance. There are no material considerations which indicate that a decision should be taken other than in accordance with the development plan.
15. I therefore conclude that the appeal should be dismissed.

A Caines

INSPECTOR