



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: 19th June 2023

Appeal Ref: APP/E2734/D/23/3317035

1 Queens Road, Harrogate, North Yorkshire HG2 0HE

- 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 & Mrs Straker against the decision of Harrogate Borough Council.
 - The application Ref 22/03189/FUL, dated 15 August 2022, was refused by notice dated 23 December 2022.
 - The development proposed is described as 'Demolish a structurally defective garage to replace this with a purpose built home gym, games room and guest accommodation incidental to the enjoyment of the main dwelling'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council made its decision on the basis of amended plans. My decision is made on the same basis.

Main Issues

3. The main issues in this appeal are:
 - Whether the development would preserve or enhance the character or appearance of the Harrogate Conservation Area; and
 - The effect of the development on the living conditions of neighbouring occupiers, with particular regard to outlook, enclosure, and privacy.

Reasons

Conservation Area

4. The appeal site is located within the Harrogate Conservation Area (HCA). The HCA covers a wide area taking in central Harrogate and its immediate surroundings, most of which dates from the mid-19th century onwards. From the information before me, the special interest and significance of the HCA as a designated heritage asset is derived largely from its growth as a distinguished spa town, along with the architectural richness and quality of its historic buildings and the relationships of these to each other and the spaces around them. As a whole, the HCA possesses a distinctive townscape and a strong sense of place.
5. According to the Harrogate Conservation Area Character Appraisal 2010 (the HCA Appraisal), the appeal site falls within Character Area F: Valley Gardens and Cold Bath Road. This area is described as predominantly residential in

character, with some high-quality Victorian stone terraces, villas, and semi-detached houses of between two and three storeys in height, mixed with some less positive modern blocks of flats and a few commercial and institutional uses. The appeal site and its context is typical of this character, being an area of garden land surrounded by older terraces and semi-detached houses to the east, west, and north, and with a modern block of flats to the south.

6. The existing brick outbuilding is positioned up against the southern boundary wall of the site. It is not highlighted in the HCA Appraisal; nor has the Council insisted on its retention. Nevertheless, the building appears to be of some age and I saw that it contains a few interesting traditional features. This includes a four-pane timber window in one of the gables with stone heads and cills, as well as traditional side-hung timber garage doors. The dual gable design is also visually distinctive and helps in reducing the overall bulk and mass of the building. Furthermore, while the building evidently has some structural issues, it is still intact and remains in active use. Consequently, I do not consider that the building detracts from the character and appearance of the HCA, as suggested by the appellants. At the very least, its contribution is neutral.
7. I note that the proposal was reduced in size and now more closely follows the footprint of the existing outbuilding. A modest Holly tree would still need to be removed, but it is of limited value and could be adequately compensated for by replacement tree planting elsewhere within the site.
8. However, the proposal would be around 1.2 metres taller than the existing outbuilding. While this increase would be limited in the context of the height of the surrounding dwellings, there would also be additional mass added by the change in roof design. In combination, this would represent a significant increase in size and bulk over and above that of the existing building, with the effect that it would appear more prominent within the site and from surrounding properties.
9. Moreover, the proposal would bear little relation to the design, form and architecture of the building it would replace or to the surrounding dwellings, which for the most part have a strong traditional character. This would be particularly evident in features such as the large dormer window, weak brick lintels, modern window designs, and the sheer width of both the garage and living room openings. The result would be an inferior replacement to the existing building and a design that does not respect or respond appropriately to its context and the qualities that contribute to local distinctiveness. It does not therefore meet the expectations for high quality design within the HCA. This would be the case even if appropriate building materials were used.
10. Internally, the development would contain all the primary facilities for independent living from the main house, and through its location, size and design, it would have the appearance as such rather than one typical of an ancillary domestic outbuilding. While I accept that the use of the building could be controlled by an appropriately worded planning condition, this would not overcome my concerns over its size and design.
11. There are a number of domestic garages immediately to the west of the site, including one with loft storage. However, none are directly comparable to the appeal scheme in size and design. Reference has also been made to various coach house conversions in the area, but for the reasons set out above, I am

far from convinced that the development would resemble a traditional coach house. As such, these other examples have limited bearing on my assessment. Also, I am required to determine the appeal on its own merits.

12. Overall, the development would have an adverse visual effect on the site and its immediate surroundings, and consequently would cause harm to the significance of the HCA. The magnitude of this harm would be modest and can therefore be classed as less than substantial in the terms of the National Planning Policy Framework (the Framework). Nevertheless, in the context of the HCA as a whole, it would fail to preserve or enhance its character and appearance. This is a matter of considerable importance and weight.
13. On the other hand, the development would benefit the occupants of 1 Queens Road with improved garaging, storage, and additional living accommodation. I have also had due regard to its potential for meeting the care needs of an elderly relative at some point in the future. However, these considerations are largely private in nature and would not be sufficient to outweigh the harm to the significance of the HCA.
14. Accordingly, I conclude that the development would not preserve the character and appearance of the HCA. Thus, the proposal fails to satisfy the statutory requirements of the Planning (Listed Buildings and Conservation Areas) Act 1990, and parts 12 and 16 of the Framework with regards to achieving good design, and conserving and enhancing the historic environment. It would also conflict with the design and heritage requirements of Harrogate District Local Plan (the LP) Policies HP2, HP3, and HS8. When read together, these require that proposals affecting a heritage asset protect or enhance those features which contribute to its special interest; and be of a high-quality design that protects, enhances or reinforces those characteristics, qualities and features that contribute to local distinctiveness.
15. The proposal is also contrary to the Council's House Extensions & Garages Design Guide Supplementary Planning Document (SPD), which advises that outbuildings should be smaller in scale and clearly ancillary to the house, while also reflecting its style, shape, and features. Garage doors should be single width to reduce their visual impact.

Living conditions of neighbours

16. As part of my site visit, I was able to view the site from the gardens of 149 and 151 Cold Bath Road, as well as 29 and 31 Duchy Avenue, all of which are immediate neighbours to the site. However, my assessment is not limited to only those neighbours.
17. Using the existing building as a useful reference point, I am satisfied that the development would not appear overdominant from the rear windows of neighbouring properties, despite its greater height. This also includes in relation to the flats at The Limes.
18. However, that is not the case in relation to the small rear garden of 151 Cold Bath Road. I saw that this garden is already enclosed by buildings on three sides, including by the existing building on the appeal site. Even taking account of the sloping roof form, the height and proximity of the development would lead to a material increase in the sense of enclosure within the garden. This would unduly diminish the enjoyment of this valued outdoor space.

19. Furthermore, the development would have multiple windows in the north elevation, including at first floor level. Whilst the window-to-window separation distances comply with the Council's guidance of 21 metres, I saw that there would be direct views into the rear gardens of Nos 27, 29, and 31 Duchy Avenue from both the ground and first floor windows. There is also potential for an oblique, but close, view into the garden of 149 Cold Bath Road from the nearest first floor window, or at least a perception of such a view. As such, due to the nature of the use of the building and its fenestration, the development is likely to lead to a material loss of privacy for these neighbouring occupiers from overlooking and the perception of being overlooked. In addition, and on occasion, the illumination of these windows and noise arising out of internal use of the building, albeit not harmful in and of itself, would only serve to remind neighbouring occupiers of the existence of this intrusive development in close proximity to their gardens.
20. I have considered whether the harm could be mitigated through landscaping as has been suggested. While this would soften the appearance of the development from some neighbouring properties, I am not satisfied that it would overcome my concerns relating to loss of privacy. The planting would have to be considerable and may take many years before it would become effective. Planting can also die unexpectedly and for reasons that are out of the appellants' control, so cannot be relied on permanently.
21. I therefore conclude that the development would cause significant harm to the living conditions of the occupiers of 149 and 151 Cold Bath Road, and 27, 29, and 31 Duchy Avenue, due to impacts of enclosure and loss of privacy. Thus, the proposal conflicts with LP Policies HP4, HS8, and the SPD, in so far as these require development to be designed to ensure it will not result in significant adverse impacts on the amenity of neighbours.

Conclusion

22. The proposal conflicts with the development plan and the Framework when read as a whole and there are no material considerations, including the appellants' personal circumstances, which indicate that a decision should be made otherwise.
23. I therefore conclude that the appeal should be dismissed.

A Caines

INSPECTOR