



Appeal Decision

Site visit made on 13 June 2023

by C Dillon BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2023

Appeal Ref: APP/E2734/W/23/3316259

Richmond Hill, Markington HG3 3PQ

- 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 Bouk Mayer against the decision of Harrogate Borough Council.
 - The application Ref 22/02716/FUL, dated 1 September 2022, was refused by notice dated 29 November 2022.
 - The development proposed is described as change of use of office to dwelling and two extensions.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The date of the planning application is taken from the date specified on the application form. There is a slight difference between the description of development stated on that form and the Council's decision notice. I rely upon the former for the purposes of my determination as there is no evidence to indicate that the revised description was agreed between the main parties and that is what the appellant sought permission for.
3. Subsequent to my site visit the main parties provided clarifications in respect to the use of adjacent buildings and parking arrangements and I have had regard to those in arriving at my Decision.

Main Issues

4. The main issues are;
 - the effect on the character and appearance of the appeal building and its setting, with particular regard to design, form, scale and siting;
 - whether or not acceptable living conditions can be secured for occupants of the 2 neighbouring dwellings and the appeal property; and
 - highway safety, with particular regard to parking and turning provision.

Reasons

Character and appearance

5. The appeal site is situated within a cluster of rural buildings grouped around a central courtyard which is accessed along a long narrow private drive. This grouping is located within the defined countryside but close to the edge of the lower order 'Service Village' of Markington. The appeal site is well screened from public view by the remainder of the building group, the sloping

topography and the dense mature surrounding tree cover. Both the building group and surrounding paddocks fall within the appellant's ownership.

6. The appeal site comprises a single storey, almost squarely proportioned, stone building with a pitched apex roof. Its use is stated by the appellant to be an office, although at the time of my visit I observed that it was not in use as such. The remainder of this building group includes Richmond Hill, a 2 storey, traditionally designed, stone detached dwelling and also a single storey dwelling which is the product of a recent conversion of a rural building. These dwellings sit alongside a single storey, metal clad workshop and storage building for Richmond Hill Farm and a traditionally designed, stone building which is being used for stables, domestic storage and gym.
7. The contrasting design and age of buildings in this grouping provide a mixed appearance in terms of building form, scale, design and materials. Nonetheless, the overall prevailing character of this area is rustic, being reflective of the agricultural activities for which these buildings were originally constructed and their wider relatively undeveloped countryside setting.
8. The appeal proposal would provide an additional independent residential unit with associated garden and parking areas. Development proposals on sites such as this, being located outside of the defined development limits, will generally be deemed inappropriate unless, exceptionally, they are justified by reference to other policies within the development plan or the National Planning Policy Framework ("the Framework").
9. Policy HS6 of the Harrogate District Local Plan ("the Local Plan") supports the conversion of an existing building to residential use providing that it is of permanent construction, structurally sound and capable of conversion without the need for substantial extension, alteration or reconstruction, subject to a number of other criteria.
10. The appeal scheme relies on the erection of 2 single storey pitched apex roof extensions. The proposed external materials, including the use of dark coloured cladding and fenestration treatment seek to convey a contemporary design approach. My attention has been drawn to examples of contemporary design treatment in the locality.
11. I recognise that the Local Plan does not necessarily restrict the appellant to a pastiche design solution. In general terms, the proposed materials are not out of context with the mixed use characteristics of the surrounding built form of the grouping. Furthermore, they would provide a contrast with the host building's original construction.
12. Nonetheless, the appellant seeks to more than double the size of the appeal property and their evidence recognises that an increased floor space is necessary to secure the conversion. The resulting extensions would be experienced as 2 awkwardly placed and disjointed appendages by virtue of their positioning, scale, form and roof junctures relative to the existing appeal building and surrounding built context. This is particularly in terms of its visual and physical association with the traditionally constructed dwelling known as Richmond Hill.
13. Regardless of the presence of other commercially designed buildings in the grouping, overall the particular design solution pursued provides an overly

industrial character. Crucially, this unduly competes and overwhelms the positive, traditional, rustic design characteristics of the appeal building, rather than respecting and reinforcing them. The proposed placement and proportions of the proposed fenestration only serves to exacerbate this.

14. Consequently, the proposed extensions would significantly undermine the small scale traditional rustic character and appearance of the appeal property. Overall, the proposed scheme fails to adequately respect the character and appearance of the existing building. Whilst well-screened in wider landscape terms, this harm would nonetheless translate negatively to its particular more immediate rustic setting.
15. For the above reasons the appeal proposal would be harmful to the character and appearance of the appeal building and its setting, with particular regard to design, form, scale and siting.
16. In light of my assessment, the appeal proposal does not accord with criteria A, B and C of Policy HS6 of the Local Plan. The conformity with the remaining relevant criteria does not negate that conflict. Therefore, overall the appeal proposal conflicts with Policy HS6 of the Local Plan.
17. Furthermore, in view of the identified harm, the appeal proposal conflicts with Policy HP3 of the Local Plan. This policy states that development should incorporate high quality buildings that protect, enhance and reinforce those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural environment, including building footprints, built form and should take into account the contribution of fenestration, roofscape, detailing and palette of materials proposed.

Living conditions

18. The appeal proposal would result in a new residential unit within close proximity to 2 existing dwellings which could be occupied on an independent basis from these and the existing activities relating to Richmond Hill.
19. Windows and doors would be positioned to ensure that any overlooking between the existing and proposed units would be tolerable. The proposed unit would have a reasonable level of useable private outdoor amenity space without compromising that of the existing units in terms of amount and privacy.
20. However, the proposed extension to the part of the building nearest to Richmond Hill would fall within very close proximity to windows serving the existing ground floor dining kitchen and first floor bedroom and external patio area. The single storey nature of that extension would not overshadow that bedroom or impinge on outlook from that particular window. However, in view of the combination of the very short distance and more elevated position of that particular proposed extension, the appeal proposal would significantly reduce outlook from, and increase the level of shadow to, the dining kitchen area.
21. Furthermore, the appellant's evidence before me does not adequately demonstrate that the commercial activities that could lawfully take place on the appellant's wider land holding, which could involve the use of the existing neighbouring workshop and storage building and courtyard, would not give rise to the potential for an unacceptable level of noise and other disturbance.

Therefore, I cannot rule out that this could be prejudicial to the living conditions of the occupants of the proposed residential unit or fetter the lawful use of the commercial components of the wider site in the future.

22. Although the building grouping falls within the same ownership and occupation, there is nothing before me to indicate that this position would continue and in any event the appellant has not sought occupation as an annexe to an existing residential unit or commercial use. Therefore it would not be appropriate to attach a planning condition to restrict occupancy and this existing circumstance carries no favourable weight.
23. Policy HP4 of the Local Plan states that proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of neighbours, including overlooking and privacy, overbearing and loss of light and vibration, fumes, odour noise and other disturbance. In view of my findings, the particular appeal proposal conflicts with this policy.

Highway safety

24. The main parties dispute the adequacy of the proposed parking and turning area within the appeal site. In view of the appellant's submissions and their wider land holding in the immediate vicinity of the appeal building, I conclude that a planning condition could be imposed to secure a level of provision which is acceptable to the Council.
25. Consequently, there is scope for the appeal proposal to accord with Policy HS6 and Policy T13 of the Local Plan which seek to ensure that development provides convenient and safe car parking.

Other Matters

26. The contribution to the local economy has not be quantified but would be very limited because of the level of development proposed. I attribute limited favourable weight to this.
27. The principle of the construction of additional dwelling units at this site which fall beyond the scope of the Local Plan's policy exceptions, including that contained in Policy HS6, has previously been dismissed at appeal¹. No changes in circumstances have been put before me which would lead me to deviate from that stance and permit the proposal contrary to the Local Plan's spatial approach to new development.
28. Paragraph 126 of the Framework states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development. Planning decisions should ensure that developments will function well and add to the overall quality of the area not just for the short term, are visually attractive as a result of good architecture and layout and are sympathetic to local character and history.
29. However, the nature and level of the harms that I have identified indicate to me that the overall design of the appeal proposal represents an overly compromised solution which constitutes poor design. Significantly, paragraph

¹ Appeal Ref: APP/E2734/W/20/3255025

134 of the Framework directs that development that is not well-designed should be refused, especially where it fails to reflect local design policies.

Conclusion

30. In view of the policy conflicts which I have found, overall the appeal proposal does not accord with the development plan when read as a whole. There are no matters before me weighing in favour of the appeal proposal which would outweigh this conflict.

31. Therefore, I conclude that the appeal should be dismissed.

C Dillon

INSPECTOR