



Appeal Decision

Site visit made on 12 October 2023

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 November 2023

Appeal Ref: APP/U2750/D/23/3328830

Nemosyne, Main Street, Bickerton, North Yorkshire LS22 5ER

- 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 Ms Alison Guest against the decision of North Yorkshire Council.
 - The application Ref ZC23/01992/FUL, dated 25 May 2023, was refused by notice dated 3 July 2023.
 - The development proposed is Proposed Roof and Front Extensions.
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Decision

1. The appeal is allowed and planning permission is granted for Proposed Roof and Front Extensions at Nemosyne, Main Street, Bickerton LS22 5ER in accordance with the terms of the application, Ref ZC23/01992/FUL, dated 25 May 2023, subject to the following conditions:
 - 1) The development hereby permitted shall begin no later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - A) 101927.02 – Location Plan (Site Plans)
 - B) 101927.02 - Proposed Site/Roof Plan (Site Plans)
 - C) 101927.01 - Proposed Front and Roof Extensions
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be those described on the planning application form.
 - 4) The extension hereby permitted shall not be occupied until the new windows in the East and West elevations have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the dwelling and immediate surrounding area.

Reasons

3. The appeal property forms part of a pair of linked detached dwellings which are attached by means of the two garages on the host and neighbouring property. Nevertheless, both dwellings form part of a pair of units with a strong relationship to each other. Both dwellings are almost identical in their appearance, roof form and layout.
4. During my site visit, I noted that the wider area utilises a variety of dwelling types and materials. Properties have simple roof forms, with gables featured on the principal elevation, or with gables to the side elevation with the roof sloping away from the public highway. There is not one typical house type or uniform design. This results in a range of built forms which contribute positively to local distinctiveness. This conclusion is also reached in the Bilton – in – Ainsty with Bickerton Village Design Statement (VDS).
5. The proposed development would rotate the gabled roof by 90 degrees and raise its ridge height. This would create a difference in appearance between the two linked detached properties. However, this would not be out of keeping with the variety of built form in the area. The proposal would also have simple roof form and would not alter the existing eaves height. As such, it would not appear incongruous in the street scene.
6. The VDS recommends that all future development should be restricted to two storeys. The proposal creates very little expression or acknowledgement of a three storey development but for two roof lights to the principal elevation and five to the rear of the roof. This is because there are no additional protruding forms and the similarity of eaves heights between the existing dwelling and the proposed development.
7. I note that the Council have not objected to the front extension or bi-fold doors and I see no reason to disagree.
8. The proposal would, therefore, comply with Policies HP3 and HS8 of the Harrogate District Local Plan 2014 – 2035 which require development to respect the qualities of the local area with regard to scale, appearance, visual relationships, built form, building height and roofscape. It would also accord with the aims of the VDS.

Other Matters

9. I note that comments were raised by The Parish Council. A number of comments were raised regarding the overall design of the proposed scheme and these have been considered in my assessment as detailed above. Comments were raised regarding the conversion of the existing garage. The Parish Council suggest that this would reduce the number of off-street parking spaces. During my site visit, I noted that a number of off-street parking spaces were available on the driveway to the dwelling.
10. A number of local objections have been made to the proposal. These comments raised the issue of design, effect on neighbour amenity and the effect on a listed building. I have considered the issue of design in line with the reason for refusal outlined by the Council above. With regard to neighbour amenity, I find that the application of an obscured glazing condition [4] would alleviate this potential harm. With regard to the effect of the proposal on the listed building at the Old Methodist Chapel, given my findings on the effect of

the proposal on the street scene generally, and the distance between the two properties, I find that the setting of the listed building would be preserved.

Conditions

11. In addition to the statutory time condition [1], I have applied conditions specifying the approved plans [2] and the external materials to be used [3] in the interest of certainty and to safeguard the character and appearance of the area. I have further included a pre-occupation condition which requires obscured glazing to be used in the new windows in the East and West elevations of the proposed development [4]. This is necessary in the interest of protecting neighbour amenity. Both parties have accepted this pre-occupation condition.

Conclusion

12. I conclude that there would be no unacceptable harm to the character and appearance of the dwelling and the immediate surrounding area. As such, the proposal would comply with the development plan. No material considerations have been shown to have sufficient weight to indicate that a decision should be taken otherwise. Therefore, I find that the appeal should be allowed.

J Smith

INSPECTOR