



Appeal Decision

Site visit made on 24 April 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2023

Appeal Ref: APP/U2750/W/23/3332411

40 Harrogate Road, Ripon, HG4 1SU

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr David Spackman against the decision of North Yorkshire Council.
 - The application Ref is ZC23/03135/FUL.
 - The development proposed is described as: *The retention and alteration of an existing building, its use in a manner ancillary to the main residential use and the erection of a link to the main house.*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal site has a long planning history. This has been covered extensively by both parties and by previous Planning Inspectors under previous appeals. As such, I will not provide a commentary of the planning history of the site in this appeal. I will instead focus on a new decision which has been made which forms a part of the appellants case in this appeal.
3. In 2021, planning permission was granted for a proposal, subject to conditions. From the evidence before me, the granting of planning permission in this decision permitted a building which would be attached to the host dwelling. A garage would also be located to the side of this extension but divorced from it by a small physical gap which provides visual separation between the two buildings. To the rear and in close proximity to these elements would be a separate outbuilding.
4. The evidence also suggests that through correspondence with the appellant, the Council do not consider it to be expedient to undertake further enforcement action for the erection of a dwelling without planning permission at the site. The appellant contends that the demolition required through this enforcement notice would no longer be required, and the implementation of the 2021 decision would ensure that no gaps between each element would be created. As such, the appellant contends that the granting of planning permission in 2021 and the withdrawn enforcement action requiring the demolition of the building establishes a fallback position. I will turn to this matter later in my decision.

Main Issue

5. The main issue is the effect of the proposal on the character and appearance of the host dwelling and street scene.

Reasons

6. The host dwelling is a dormer bungalow, situated within a plot of a substantial size. A large outbuilding is situated to the side of the host dwelling. As such, built forms cover much of the appeal site when viewed from Harrogate Road. In the wider vicinity of Harrogate Road are other detached bungalows which match the general scale and form of the host building. A number of these dwellings have ancillary detached buildings which typically take the form of a small garage to the side or rear of the host building. It appears that in some examples, small links can be found between the garage building and the host dwelling.
7. However, where this does occur, this is inset in from the front elevation and creates a strong perception of depth to the perspective of the viewer, whilst retaining its functionality with the host dwelling. This inset provides a visual break. This is crucial to retaining a form of separation between the two. This is a characteristic found to properties of this type in the immediate vicinity which adds to the overall local distinctiveness.
8. The proposal would create a long sideward projection without a break in the roofscape. This would result in a cramped appearance of the appeal site, with no visual break to reduce the effect of such a long elevation. This would also be of a similar length to the host dwelling. As such, the proposal would not appear to be subservient to 40 Harrogate Road. This would result in an incongruous built form when viewed from Harrogate Road in relation to the surrounding context.
9. I now turn to the fallback position promoted by the appellant. From the evidence before me, I note that a decision notice which grants planning permission and the plans associated with that decision have been provided. Therefore, this presents a theoretical possibility that the development may take place. This is a material consideration and I ascribe moderate weight to this in my decision.
10. The appellant notes that the distinction between this fallback position and the appeal proposal is a gap between the garage and extension to the host dwelling. This gap separates the host dwelling and its extension from the garage. The height of the roof would be similar to that proposed in this appeal. The appellant also contends that the provision of an outbuilding behind the gap would make separation of the extension and garage difficult to note.
11. However, breaks between the roofscape of properties and garages are crucial to the character of the area in this immediate locality. I note that this visual break would be minimal. It would also be much smaller than those found in the wider vicinity and be of a similar height. Nevertheless, this gap, even if it is smaller than those found at neighbouring properties, is crucial to following the similar relationships found within the street scene. As such, I find that this fallback position would be less harmful than the proposed development subject to this appeal.
12. The appellant has suggested that the use of different materials could be utilised in facing all or part of the proposed development, including a darker strip of material in-between the gap of the extension and garage. However, this would not overcome the harm I have found to the character and appearance of the host dwelling and street scene due to the lack of gap that this would create when viewed from Harrogate Road.
13. To conclude, the proposal would lead to a form of development which would result in harm to the character and appearance of the host dwelling and street scene. As

such, the proposal would conflict with Policies HP3 and HS8 of the Harrogate District Local Plan 2014 – 2035, the guidance found within the National Planning Policy Framework and the guidance found within the Harrogate House Extensions and Garages Design Guide 2005. Collectively, these policies and guidance require proposals to respond positively to the spatial qualities of the local area, its built form and ensure that there is no adverse impact to the character or appearance of the dwelling or the surrounding area, amongst other things.

Conclusion

14. For the reasons given above I find that the proposals would conflict with the development plan when read as a whole. There are no material considerations that indicate that a decision should be taken otherwise than in accordance with it. Accordingly, I conclude that the appeal should be dismissed.

J Smith

INSPECTOR