



Appeal Decision

Site visit made on 23 January 2024 by Ifeanyi Chukwujekwu BSc MSc MRTPI
MIEMA CEnv

Decision by Chris Forrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 August 2024

Appeal Ref: APP/U2750/D/24/3336320

20 Beech Grove, Harrogate, North Yorkshire HG2 0EX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 for the development of land without complying with conditions subject to which a previous planning permission was granted.
- The appeal is made by Mr and Mrs Flannery against the decision of North Yorkshire Council.
- The application Ref ZC23/03767/DVCON, dated 11 October 2023, was refused by notice dated 6 December 2023.
- The application sought planning permission for part single, part two storey rear extension, new rooflights and dormer, new front garden wall and railings, internal alterations and replacement garage (As amended) without complying with a condition attached to planning permission Ref 23/00857/DVCON, dated 17 April 2023.
- The condition in dispute is No 2 which states that: *The permission hereby granted shall not be undertaken other than in complete accordance with the following drawings: Defined Red Line Plan: The defined Red Line Plan for this application is Drawing 2101/100 received 02/08/2021 only. This drawing is the red line plan that shall be referred to as the defined application site. Any other drawings approved or refused that may show any alternative red line plan separately or as part of any other submitted document have not been accepted on the basis of defining the application site.*

Approved Plans and Documents:

Drawing: 2101/110 Rev A, received: 23/11/2021

Drawing: 2101/111 Rev A, received: 23/11/2021

Drawing: 2101/112 Rev A, received: 23/11/2021

Drawing: 2101/113 Rev A, received: 23/11/2021

Drawing: 2101/114 Rev A, received: 23/11/2021

Drawing: 2101/115 Rev A, received: 23/11/2021

Drawing: 8684-BOW-ZZ-ZZ-DR-A-3002-P1-Proposed Elevations, received: 02/03/2023

Drawing: 2101/117 Rev A, received: 23/11/2021

Document: CIL Form, received: 02/08/2021

Document: Design and access Statement, received: 02/08/2021

Document: biodiversity table 1 and 2, received: 02/08/2021.

- The reason given for the condition is: *In order that the development is undertaken in a form that is appropriate to the character and appearance of its surroundings and in accordance with the Harrogate Local Plan adopted December 2020 Policies HP3, HP4, HP2, HS8 and the National Planning Policy Framework 2021.*

Decision

1. The appeal is dismissed.

Procedural Matters

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.
3. On 19 December 2023, the Government published a revised National Planning Policy Framework (the Framework). However, as any policies in the Framework that are material to this decision have not fundamentally changed, I am satisfied that this has not prejudiced any party and I have made my recommendation on this basis.

Background and Main Issues

4. Planning permission (Ref 21/03442/FUL) was granted on 14 January 2022 for part single, part two storey rear extension, New rooflights and dormer, new front garden wall and railings, internal alterations and replacement garage (As amended).
5. Following that permission, planning permission was granted on 17 April 2023 for variation of condition 2 of Planning Permission 21/03442/FUL to allow a new roof lantern to the single storey extension with a hipped roof to the first-floor element with fenestration alterations¹.
6. The appeal proposal seeks to vary condition 2 of permission 23/00857/DVCON to allow alterations to the approved garage through alterations to its size and form to match the neighbour's garage at 21 Beech Grove, with the addition of solar panels and fenestration changes.
7. The main issues are therefore the effect that varying condition 2 would have on the character and appearance of the surrounding area with particular regard to the Harrogate Conservation Area (the CA) and on the living conditions of the occupants of 19 Beech Grove with particular regard to light and outlook.

Reasons for the Recommendation

Character and appearance

8. The appeal property is a two-storey terraced dwelling located along Beech Grove, and forms part of an attractive row of stone Victorian terraced houses (nos. 19 - 24) that front onto The Stray. This group make a positive contribution to the character of the conservation area and are identified as buildings of Local Interest and Merit in the Harrogate Conservation Area Character Appraisal and are a non-designated heritage asset. This is due to their architectural quality, prominent location and relative absence of undesirable alterations.
9. The rear of the terrace largely consists of walled gardens with several properties also having detached garages fronting onto Victoria Road. This streetscene is less formal in character, with a variety of single and two storey garages of varying quality along the eastern side and modern apartment buildings on the western side. There are also mews houses further down Victoria Road.

¹ 23/00857/DVCON

10. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require me to have special regard to the desirability of preserving the character or appearance of the Conservation Area.
11. From my site visit, I saw that large garages are a feature on this streetscene. Furthermore, the appellant has drawn my attention to a similar sized garage building to the appeal proposal which has been recently approved at the rear of the adjoining property, 21 Beech Grove². Given the character of Victoria Road, the proposed garage will not be out of scale or character with the locality despite it being larger than the previously approved scheme at the appeal property. This is particularly the case as there are a number of two storey stone garages in the vicinity. In addition, the apartments opposite the garage, Duchy Court, are three storeys in scale. Therefore, the proposal will not over-dominate the surrounding buildings.
12. Taking the above into account, I find that the proposed garage would have a neutral effect and would thus preserve the character and appearance of the CA. Consequently, it would accord with Policies HP2 and HP3 of Harrogate District Local Plan 2014 – 2035 (March 2020) (the LP) and the Framework which seek amongst other matters to ensure that proposals incorporate high quality buildings which enhances or reinforces local distinctiveness and that proposals affecting a heritage assets such as conservation areas protect and, where appropriate, enhance those elements that have been identified as making a positive contribution to the character and special architectural or historic interest of the area and its setting.

Living Conditions

13. As noted above, planning permission exists for a garage building to the rear of the appeal site. From the Councils evidence, this permission allows a building which would be 8 metres in depth (front to rear), be 3.2 metres high to eaves level, and would have a ridge height of 5.7 metres.
14. The appeal proposal seeks to increase the size of the building so that it would be around 11 metres in depth, have an eaves height of around 4 metres, and a ridge height of 6.7 metres. The proposed garage would span the width of the rear garden and would be of length almost half its depth. It would be at a height to match the neighbouring garage at 21 Beech Grove.
15. The appeal site is to the south of No.19 and as such given its orientation it has the potential to cast a shadow over the garden areas of No.19. However, the same could be said of the extant permission.
16. In my view, the increase in height and depth of the garage building would not have any significant impact on sunlight or additional overshadowing when compared to the extant permission. This is particularly the case as there would still be direct sunlight to the main parts of the garden at varying times of the day. In a similar vein, I consider that the proposal would not restrict daylight to the garden areas to an unacceptable degree.
17. Turning to the matter of outlook, the increase in height of the eaves level (to a height of around 4 metres) would give rise to a significant visual barrier. This increase in eaves height, together with the increased depth of the building, would undoubtedly have an adverse impact on the living conditions of the

² Reference 19/01262/FUL

occupiers of No.19 when they utilise the garden owing to the overall scale and massing of the garage building.

18. In coming to that view, I acknowledge that the extant permission would still give rise to a large building on the appeal site. However, the increase in the quantum of development as a result of its depth and eaves height in particular would result in a level of harm which is unacceptable.
19. The appellant has also drawn my attention to the recent approval at 21 Beech Grove, and the desire to match the scale of that permission. Whilst I have some sympathy with that, it is significant that the appeal site previously had a smaller garage on it which gave rise to a very different characteristic of the use of the rear space when compared to No.19. As such, I consider that the existence of the permission at No. 21 does not outweigh the harm I have identified above.
20. In summary, I find that the proposal would have an unacceptable impact on the living conditions of the occupants of 19 Beech Grove with regard to outlook and thus would not accord with Policies HP4 and HP8 of the LP and the Framework which amongst other matters seek to ensure that proposals should be designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours.

Conclusion and Recommendation

21. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be dismissed.

Ifeanyi Chukwujekwu

APPEALS PLANNING OFFICER

Inspector's Decision

22. I have considered all the submitted evidence, and my representative's report, and on that basis the appeal is dismissed.

Chris Forrett

INSPECTOR