



Appeal Decision

Site visit made on 24 April 2024

by **J Smith MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 9 August 2024

Appeal Ref: APP/U2750/W/24/3336246

Laneside, 12 Fulwith Mill Lane, Harrogate, North Yorkshire HG2 8HJ

- 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 Jason Dearden Hall against the decision of North Yorkshire Council.
 - The application Ref is ZC23/02688/FUL.
 - The development proposed is described as: *Erection of single storey extensions, single storey rear extension garden store and gym, dormer windows to front, rear and side and associated internal/external works, formation of first and second floor terraces, external terrace and seating area and alterations to hardstanding and fenestration.*
-

Decision

1. The appeal is allowed and planning permission is granted for Erection of single storey extensions, single storey rear extension, garden store and gym, dormer windows to front, rear and side and associated internal/external works, formation of first and second floor terraces, external terrace and seating area and alterations to hardstanding and fenestration at Laneside, 12 Fulwith Mill Lane, Harrogate, North Yorkshire HG2 8HJ in accordance with the terms of the application, Ref ZC23/02688/FUL, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing numbers:
 - Location Plan (Dated 28-Jul-2023)
 - GA Site Plan & Setting Out (Drawing Number: 2020 38 52 C04)
 - GA Elevations I (Drawing Number: 2020 38 80 C21)
 - GA Elevations II (Drawing Number: 2020 38 81 C26)
 - GA Elevations III (Drawing Number: 2020 38 82 C12)
 - GA Ground Floor Plan (Drawing Number: 2020 38 60b C34)
 - GA Second Floor Plan (Drawing Number: 2020 38 62 C26)
 - 2) The first-floor landing window listed as EW.08 on drawing GA Elevations II (Drawing Number: 2020 38 81 C26) hereby permitted in the eastern elevation shall not be capable of being opened and be fitted with obscured glass. The window shall remain that way for the lifetime of the development.

Preliminary Matters

2. I noted during my site visit that elements of the proposal had been carried out. However, the findings taken from my site visit note that the position of the shower room rooflight had been constructed in a different position to that shown on the elevation plans initially submitted with this appeal, and the landing window facing No 14 Fulwith Mill Lane had been mechanically shut and obscurely glazed. As such, there was a discrepancy between the plans submitted and what had been constructed on site.
3. Since the submission of this appeal, the appellant appeared to have submitted a planning application to the Council (Ref: ZC23/04045/FUL) which showed these changes. These changes appeared to have been made and these were as I viewed these changes on site. This application was withdrawn. However, the Council had provided a commentary on its implications on the living conditions of neighbouring occupiers, with particular regard to No 14 Fulwith Mill Lane in this appeal. Therefore, the appellant has submitted these plans to clarify the as built situation on site.
4. The appeal was submitted under the Householder Appeals Service. In reviewing the appeal procedure, the provision of amended plans necessitated a change in procedure to the Written Representations procedure. This allowed for all parties, including interested parties, to have the opportunity to comment on these amended plans. Following these revisions, the Council note that their initial concerns regarding the effect of the development on the living conditions of neighbouring occupiers, have been resolved. This matter has therefore not been considered further.
5. In accepting these plans for the determination of this appeal, and the subsequent change of the appeal procedure to allow all interested parties to further comment on these plans, I do not consider that any interested party would be prejudiced in this decision.

Main Issue

6. It therefore follows that the main issue is the effect of the development on the character and appearance of the host dwelling and wider street scene.

Reasons

7. From the evidence before me, it is noted that the Council state that most elements of the development benefit from planning consent. However, the six retrospective dormers to the front and rear roofscape have been constructed to a different design than a previously approved scheme. I have therefore assessed my decision on the effect of the dormers on the host building and street scene.
8. The appeal property is a large, detached dwelling with tall elevations. The property includes a double bay garage and single storey garden store. A substantial set back from the highway, with brick-built walls and hedges along the boundary separate the site from Fulwith Mill Lane, which contributes to the creation of an individual plot with limited shared characteristics with other properties in the vicinity. Other dwellings along Fulwith Mill Lane vary in their age and design, creating an eclectic mix of styles, materials and colour throughout the street scene. As such, there is a limited shared character throughout Fulwith Mill Lane. Each property is unique and viewed in isolation

due to the unique character of each building, the large spaces between them and the boundary treatments which divide each plot.

9. The development has created three dormers to the front elevation and three dormers to the rear elevation of the host property. These are large structures, each hosting a flat roof and wide fenestration details. Nevertheless, due to the large overall size of the roof of the property and their alignment with the windows found on the first and ground floor of the building, these dormers do appear appropriately designed and do not dominate the roofscape to a level which is considered detrimental to the appearance of the building.
10. Turning to the street scene, dormer windows are not a common feature along Fulwith Mill Lane. However, owing to the individuality of buildings within the street scene which includes a combination of sizes and designs, their large plot sizes and the isolation in which each property is viewed, the development does not cause unacceptable harm to the character and appearance of the street scene.
11. To conclude, the development does not cause significant harm to the character and appearance of the host dwelling or the street scene. For the above reasons, it does not conflict with Policies HP3 or HP8 of the Harrogate Local Plan 2020. These policies seek for development to incorporate design which respects the spatial qualities of the area, which responds positively to its built form through its scale and appearance, amongst other things. The development also conforms to the guidance found within the House Extensions and Garages Design Guide 2005.

Other Matters

12. Comments have been raised by an interested party regarding the surface laid out across the driveway and areas around the site which they consider to be absent of surface drainage. I note in the evidence before me that the Council consider that surface water is sufficiently managed within the site. I find no reason to disagree.

Conditions

13. The Council did indicate which conditions they wanted to be considered in the event that the appeal was allowed. In assessment of these conditions against the six tests for imposing planning conditions, I have undertaken minor changes to these conditions and requested further comments from both parties.
14. As the appeal is retrospective, a statutory time condition is not required. In the interest of certainty, a condition specifying the approved plans [1] is justified and necessary. An obscured glazing and non-opening window condition [2] is required to protect the living conditions of No 14 Fulwith Mill Lane. This has been amended following the suggested wording by the Council to ensure that it is precise. In seeking the views of the parties when undertaking the minor changes of the suggested conditions, the Council requested that the condition should permit the use of film to obscurely glaze the windows as this has been carried out on site. The Council consider the use of obscure film as acceptable. However, in my view, this solution would not be sufficiently enforceable given that it would be easily removed or damaged. The condition is required to protect the living conditions of neighbouring occupiers.

Conclusion

15. For the reasons given above the appeal should be allowed.

J Smith

INSPECTOR