

Appeal Decision

Site visit made on 17 September 2024

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 September 2024

Appeal Ref: APP/U2750/W/24/3345408

34 Grosvenor Road, Harrogate, North Yorkshire HG1 4EG

- 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 Ms Victoria Read against the decision of North Yorkshire Council.
 - The application reference is ZC24/00828/FUL.
 - The development proposed is the erection of detached dwelling to side garden.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of residents of 34 Grosvenor Road with regard to privacy, outlook, and natural light.

Reasons

Character and Appearance

3. The appeal site is located within a mainly residential area characterised by a mix of detached and semi-detached bungalows and two storey predominantly semi-detached dwellings. There is some variety in the architectural forms of the dwellings along Grosvenor Road and in the wider area. However, common features in the pattern of development are a relatively regimented alignment in the dwellings that face directly towards the road and the presence of generous front/side gardens on the corner plots, especially those that are set at an angle to the road. These corner plots provide a sense of spaciousness in the street scene amongst the otherwise more continuous road frontages.
4. The site comprises the side garden of no. 34, which is a two-storey semi-detached dwelling on one of these spacious corner plots. The site therefore makes a positive contribution to the character and appearance of the area.
5. The overall plot size may be comparable to others in the vicinity, and the proposed dwelling would be set back from the road by a similar distance to

other properties that face directly on to it. Nevertheless, the proposed dwelling would not sit comfortably within the site. This is due to the awkward plot boundaries and because the proposed dwelling would project markedly further towards the road than the dwelling at no. 34, giving it an overt presence in the street scene. The overall effect would be a dwelling that would appear to be inserted into an overly constrained size and shape of plot.

6. Additionally, the proposed development would create a layout that would erode the existing gap in the road frontage and so would unduly diminish the sense of spaciousness in the street scene. While I acknowledge that the space between the proposed dwelling and no. 34 would not be significantly different to other properties in the area, the gaps on the corner plots are larger, provide an openness to the street scene, and are a notable positive feature of the area.
7. Overall, therefore, the proposed development would appear cramped within the site, and would not maintain important features of the prevailing pattern of residential development in the area. Its discordant presence would be clearly noticeable in public views along Grosvenor Road.
8. The appellant has drawn attention to a dwelling that was granted planning permission¹ on nearby Walnut Grove. The appellant highlights that the plot for this dwelling is smaller than that of the appeal proposal with a gap of around 1.2 metres to its side boundaries. I observed this dwelling during my site visit. Its plot width is similar to other dwellings within this cul-de-sac, as is its alignment within the site. Furthermore, that dwelling does not occupy a corner plot. It is not therefore directly analogous to the appeal proposal, which I have, in any event, determined on its own planning merits.
9. For the reasons given, I conclude that the proposal would significantly harm the character and appearance of the area. Consequently, it would conflict with Policy HP3 of the 2020 adopted Harrogate District Local Plan 2014 – 2035 (the Local Plan) which requires, amongst other matters, that development protects, enhances, or reinforces those characteristics, qualities and features that contribute to the local distinctiveness of the district's rural and urban environments. The proposal would also conflict with the design objectives of section 12 of the National Planning Policy Framework (the Framework).

Living Conditions

10. The proposed dwelling would have two windows in the elevation facing towards the rear garden of 34 Grosvenor Road. The proposed 1.8-metre-high solid boundary fence would prevent unacceptable overlooking from the proposed ground floor window. However, the proposed rear first floor window would allow future occupiers to overlook directly and from a relatively close distance all of the rear garden of no. 34. Residents of no. 34 would therefore be overlooked when in the garden, given the proximity, height, and orientation of the proposed rear first floor window. This would be significantly detrimental to the enjoyment of this area by residents of this dwelling.
11. The separation distance between the rear elevation of the proposed dwelling and the rear garden of no. 34 would not be large. However, due to the L-

¹ Reference ZC23/03882/FUL

shaped design of the proposed dwelling and therefore the massing of the elevation facing this area, the sense of enclosure when in the garden would be modest, and the proposed development would not dominate the outlook from it. Consequently, while the proposed dwelling would be visible from within the rear garden of no. 34, it would not significantly diminish residents' outlook when in this space. The orientation and L-shaped design of the proposed dwelling would ensure that there would not be a significantly harmful sense of enclosure for residents entering or exiting no. 34 from the side.

12. Due to the orientation of the existing and proposed dwellings, there would be some loss of natural light to the side elevation of no. 34 which contains three windows. However, given that two of the windows do not serve habitable rooms and the other is a small secondary window to a kitchen which is also served by a larger southwest facing window, the reduction in natural light would not significantly adversely impact the living environment for residents of no. 34.
13. Pulling these points together, I find that the proposal would not have a significant adverse impact on the outlook for residents of 34 Grosvenor Road nor would it result in an unacceptable loss of natural light to this dwelling. However, I find that the proposal would have a significant adverse impact on the privacy that would be enjoyed by residents of no. 34 when in their rear garden. As such, the proposal would conflict with the residential amenity requirements of Policy HP4 of the Local Plan and the Framework.

Conclusion

14. The proposal would conflict with the development plan taken as a whole. There are no material considerations of sufficient weight that would indicate a decision other than in accordance with the development plan. Therefore, for the reasons given, the appeal should be dismissed.

F Wilkinson

INSPECTOR