



Appeal Decision

Site visit made on 22 April 2025

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 May 2025

Appeal Ref: APP/U2750/D/25/3361261

17 Old Trough Way, Harrogate, North Yorkshire HG1 3DE

- 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 Fran Wilson against the decision of North Yorkshire Council.
 - The application Ref is ZC24/02696/FUL.
 - The development proposed is double storey extension to the rear of the property (retrospective).
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Decision

1. The appeal is allowed and planning permission is granted for double storey extension to the rear of the property (retrospective) at 17 Old Trough Way, Harrogate, North Yorkshire HG1 3DE in accordance with the terms of the application, Ref ZC24/02696/FUL subject to the following conditions:
 - 1) The proposed hipped roof shall be installed in accordance with the approved plans within 12 months of the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with Drg No. O.T.W.(17) / 02 Rev B, BLOCK PLAN Scale: 1:500 and LOCATION PLAN Scale: 1:1250.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. At the time of my site visit, I saw that a 2-storey extension with a flat roof has been constructed at the appeal site. The submitted plans however depict a hipped roof design. The appeal is therefore considered, in part, retrospectively.
3. In the banner heading I have used the description of the development from the appeal form, as this describes the development in more succinct terms than the description contained within the application form.

Main Issue

4. The main issue is the effect of the development on the living conditions of the occupiers of neighbouring properties, with regard to outlook, privacy and light.

Reasons

5. The appeal site comprises a detached 2-storey dwelling and its associated curtilage, located at the end of a cul-de-sac at 17 Old Trough Way. The site is bounded to the south-east by 15 Old Trough Way, and to the north-east by 19 Old

Trough Way. Along the western boundary is a belt of trees with a field beyond. To the south-west is 17 Mill Gate.

6. No 15 comprises a similar two storey dwelling, separated from the appeal dwelling by a narrow gap providing access to rear gardens. The 2 dwellings do not sit in alignment, with the main rear elevation of No 15 projecting beyond the original rear elevation of the host dwelling. No 15 also features a conservatory at ground floor, projecting beyond the rear elevation of the 2-storey extension at the appeal site.
7. The 2-storey extension extends the main side wall of the host dwelling, alongside the shared boundary with No 15. However, given the relationship between the two dwellings described above, only part of the extension projects beyond the main rear elevation of No 15. While it sits near No 15's conservatory, the outlook from the side facing windows in this conservatory is largely dominated by existing boundary fencing. The conservatory roof is obscurely glazed. The extension therefore primarily affects outlook through the upper-level windows in part of this side elevation. The outlook from the conservatory is otherwise largely unaffected, with unobstructed views to the rear and opposite side maintained.
8. From first floor rear facing windows within No 15, the prominence of the extension is mitigated by the separation distance and limited extent of the projection beyond these rear facing windows. The extension therefore does not have a significant effect on outlook from this vantage point. The proposal would include the provision of a pitched roof. However, the modest ridge height and hipped design of this, which would slope away from the shared boundary and rear wall of the extension, would sufficiently mitigate any impact on the outlook from No 15.
9. No 15 has a south-west facing garden, and the extension is located to the north-west. The effect on direct sunlight is thus limited. Given the limited projection of the extension beyond the rear elevation of No 15, the orientation of the dwellings and existing tree cover to the west, the development does not have an undue impact on natural light reaching No 15, and there would be no significant effect arising from the provision of the proposed hipped roof.
10. The immediate rear garden area of No 15 is set away from the extension beyond the aforementioned conservatory, while much of the rest of the garden is elevated, thereby reducing any undue sense of overbearing arising from the extension or harm to the outlook from the rear garden area. There are no windows in the side elevations of the extension facing No 15, and views towards its rear garden from the first-floor rear window are oblique. There is thus no harmful effect on the privacy of the occupiers of this neighbouring property.
11. The first-floor rear window of the extension faces directly towards the rear garden of 17 Mill Gate. However, an adequate separation distance to the rear boundary remains and, combined with the topography in this area, this is sufficient to negate any harmful effect on privacy, outlook or light for the occupiers of 17 Mill Gate.
12. The distance of the host dwelling and extension from all other neighbouring properties ensures there is no harmful effect on the living conditions of the occupiers of any other neighbouring properties.
13. The development would not have a harmful effect on the living conditions of the occupiers of neighbouring properties, with regard to outlook, privacy and light. It would accord with Policies HS8 and HP4 in the Harrogate District Local Plan 2014

– 2045 adopted March 2020. These policies, among other provisions, seek to ensure development is designed to ensure that they will not result in significant adverse impacts on the amenity of occupiers and neighbours, including with regard to the impacts of development on overlooking and loss of privacy, overbearing and loss of light. They also seek to ensure that extensions to dwellings do not have an adverse impact on neighbouring residential amenity.

Other Matters

14. I saw on my site visit that the brick used is a suitable match to that of the original dwelling, while the position of the extension to the rear of the property ensures its impact on the street scene is limited. A hipped roof design that is sympathetic to the existing roof design and others in the area is proposed as part of the appeal scheme. Overall, the development would not have a harmful effect on the character and appearance of the area. Notably, the Council also concluded that the choice of materials and design of the extension is acceptable.
15. There is no compelling evidence before me that the development has had or would have any detrimental impact on protected trees or ecology, including bats. All bat species are protected under the Conservation of Habitats and Species Regulations 2017, and it is an offence to intentionally kill, injure, disturb or capture protected birds or bats, or their nests. The appellant remains bound by these provisions and must act appropriately should they encounter protected species on site.
16. Interested parties contend that there are unauthorised structures at the appeal site. However, these do not form part of the appeal scheme and are a matter for the Council to investigate if appropriate. Concerns have also been raised in relation to the standard of construction and building regulations compliance. However, this is a separate regulatory regime beyond the scope of this appeal.
17. While the development may not benefit from the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015, this does not preclude planning permission being granted on an application, nor does it indicate that the development is unacceptable with regard to the main issue.

Conditions

18. As the development has already commenced, the standard time limit condition is not appropriate. Nevertheless, a condition to ensure the proposed hipped roof is installed in a reasonable timeframe is required in the interests of the character and appearance of the area. Likewise, a condition is required to control the finishing materials of the development. It is also necessary to specify the approved plans as this provides certainty.

Conclusion

19. The development adheres to the development plan as a whole and there are no other considerations that would outweigh this finding. Accordingly, for the reasons given, the appeal succeeds.

Ryan Cowley

INSPECTOR