



Appeal Decision

Site visit made on 8 July 2025

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 August 2025

Appeal Ref: APP/U2750/D/25/3365183

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 ZC25/00501/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.
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Decision

1. The appeal is allowed, and planning permission is granted for the retention and alteration of an existing building, its use in a manner ancillary to the main residential use at 40 Harrogate Road, Ripon HG4 1SU in accordance with the terms of the application, Ref ZC25/00501/FUL and the plans submitted with it, subject to the conditions set out below:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the approved plans: Location Plan, DWG No. 1.1; and Plan, Elevations, Site Plan and Street Elevation, DWG No. 1.10 Rev E, Date Nov/13.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall be in accordance with the approved plans.
 - 4) The development hereby approved shall not be occupied at any time as a separate independent dwelling and shall remain ancillary to the residential use of the main dwelling, 40 Harrogate Road.

Main Issue

2. The main issue in this appeal is the effect of the development on the character and appearance of the area.

Reasons

3. The appeal site is a detached dormer bungalow with attached garage to the side between the appeal property and No. 42 Harrogate Road; between the appeal property and No. 38 is a detached outbuilding, which I understand from the appellants submission has been subject to enforcement. The appeal site is within a

row of detached bungalows, some with detached outbuildings which in general are set back on the plot in comparison to the main property.

4. There is a complex history for this site with a number of approvals, refusals, and appeals. I understand that the scheme before me is similar to previously refused applications¹, which were both dismissed on appeal, although I have not been provided with substantive details relating to these schemes I understand from the Council's Delegated Planning Report that the previous Inspectors considered the scale of the building to be excessive.
5. I appreciate the previous Inspectors findings however I am mindful that these decisions were made under a different planning policy position and that subsequently approvals have been given for development in the area of the appeal proposal. Including a 2016 planning permission² allowing a single storey side extension with outbuilding to the rear, which was confirmed as implemented via a certificate of lawfulness in 2020³. A further certificate of lawfulness for proposed development in 2020⁴ approved a proposed detached garage adjacent the single storey side extension and in front of the outbuilding to the rear. A 2021⁵ planning permission allowed an attached single storey side extension and two outbuildings, one to the side and another to the rear, which appears to amalgamate the 2016 permission and both 2020 certificate of lawfulness decisions.
6. I have not been provided with substantive evidence that the 2021 planning permission has been implemented, however it was approved under the same local planning policy position, the Harrogate District Local Plan 2014-2035 (2020) (the Local Plan). Although the Local Planning Authority has gone through changes this does not change the policy position or the visual context in which the 2021 permission was granted, I give this substantial weight. I also give substantial weight to the extant 2016 permission and the certificate of lawfulness confirming that the detached garage could be erected under permitted development rights.
7. The Council contend that the appeal proposal would not reflect the grain of the surrounding development and that the separation would be insufficient to prevent an unduly cramped appearance. Notwithstanding this the proposed development is similar to the 2021 permission in terms of scale, location, and proximity to No. 38 Harrogate Road. The fundamental physical differences involve that the resulting development would be one large outbuilding, there would be a difference in terms of the front facade, and there would be no physical attachment to No. 40.
8. The alteration to the front elevation from that previously permitted incorporates the same features however in a different arrangement and on one facade, i.e. a window, door and garage door.
9. Whilst the minimal gap between the previously approved side extension and front outbuilding provided a degree of physical separation, I find that the gap between the proposed detached outbuilding and the appeal property offers a similar form of separation. The proximity of an ancillary outbuilding to the appeal property itself would not be an unusual arrangement, in which closeness is accepted.

¹ 15/04524/FUL & 14/00073/FUL

² HGT16/04088/FUL

³ 19/04123/CLEUD

⁴ 20/01664

⁵ HGT21/00232/FUL

10. I find that the development does not harm the character and appearance of the area. There is no conflict with Policies HP3 and HS8 of the Local Plan which seek amongst other things to ensure developments are of high quality design having regard to the local character, identity and context of its surroundings.
11. There is no conflict with the House Extensions and Garages Design Guide (2005) which seeks to amongst other things high standards of design and that outbuildings should not be dominant nor impact detrimentally on the space about the buildings.

Conclusion and conditions

12. For the above reasons I conclude that this appeal should be allowed.
13. I have imposed a standard condition relating to the commencement of development and a condition specifying the relevant plans as this provides certainty. In order to safeguard the character and appearance of the area I have imposed a condition concerning materials.
14. I have imposed a condition requiring the proposed development to be ancillary to No. 40 Harrogate Road and not be used as an independent property in the interests of protecting the living conditions of No. 40 and surrounding properties.

Chris Pipe

INSPECTOR