
Appeal Decision

Site visit made on 17 March 2026

by Alison Partington BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 March 2026

Appeal Ref: APP/U2750/W/25/3376881

College House, 2 College Street, Harrogate, North Yorkshire, HG2 0AH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Carl Burrows (CBS Properties Ltd) against the decision of North Yorkshire Council.
 - The application Ref is 25/03338/DVCON.
 - The application sought planning permission for the conversion of flat and office to two separate houses without complying with conditions attached to planning permission Ref 23/00215/FUL, dated 7 March 2023.
 - The conditions in dispute are Nos 2, 3 and 4 which state that:
No 2 – “The development hereby permitted shall be carried out in strict accordance with the following drawings: 2 1451 and 4 1451 received by the council on the 18th January 2023.”
No 3 – “There must be no excavation or other groundworks, except for investigative works, or the depositing of material on the site in connection with the construction of the access road or building(s) at Wilson Kennett Partnership College House, 2 College Street, Harrogate North Yorkshire HG2 0AH until full details of the following have been submitted to and approved in writing by the Local Planning Authority: o cycle parking.”
No 4 – “No part of the development must be brought into use until the vehicle access, parking, manoeuvring and turning areas at Wilson Kennett Partnership College House, 2 College Street, Harrogate North Yorkshire HG2 0AH have been constructed in accordance with the details approved in writing by the Local Planning Authority. Once created these areas must be maintained clear of any obstruction and retained for their intended purpose at all times.”
 - The reasons given for the conditions are:
No 2 – “To ensure compliance with the approved drawings.”
No 3 – “To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.”
No 4 – “To ensure appropriate on-site facilities in the interests of highway safety and the general amenity of the development.”
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Decision

1. The appeal is allowed and planning permission is granted for the conversion of flat and office to two separate houses at College House, 2 College Street, Harrogate HG2 0AH in accordance with the application Ref 25/03338/DVCON, without compliance with condition numbers 2, 3 and 4 previously imposed on planning permission Ref 23/00215/FUL dated 7 March 2023 and subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with drawing nos: Location Plan 1451/3; and Proposed Floor Plans and Elevations Drawing no. (PL)05A.
 - 2) Within three months of the date of this decision, the cycle storage lockers shown on Proposed Floor Plans and Elevations Drawing no. (PL)05A shall

be provided for each property and thereafter shall be kept available for the storage of bicycles.

Procedural Matter

2. Notwithstanding the numbering of the properties given in the appellant's appeal statement, it was clear at my site visit that the property with a front door on College Street is No 2 and the one whose front door is on Calder Road is No 2A. Therefore, I have referred to the properties as such in my decision.

Background and Main Issue

3. Permission was granted in March 2023 for the conversion of the appeal property into 2 houses subject to 4 conditions. This included a condition (No 2) that required the development to accord with the 2 drawings that are listed in that condition, a condition (No 3) that requires details of the cycle parking to be provided before development commences and a condition (No 4) that requires the provision of the off-street parking before the occupation of the houses.
4. The permission has been implemented, but the internal and external layout has not been provided in accordance with the approved plans. Most notably the rear yard has been provided as private garden space for each dwelling rather than a shared parking area with a parking space for each house. In addition, the changes to the internal layout have resulted in a number of differences to the windows and doors on the property and dormer windows on the rear roof plane have also been constructed. The revised plans submitted with the application show the changes to the layout and provide the details of the cycle parking.
5. Whilst the Council have indicated that they have no objection to the external alterations and the details of the cycle parking are supported, they do not consider the loss of the off-street parking spaces would be acceptable. This has implications for the location and provision of the cycle parking.
6. In the light, of the above, the main issue in the appeal is the effect of the amended design of the development on highway safety and the living conditions of nearby residents.

Reasons

7. The appeal property is located on the corner of College Street and Calder Road, with access to the rear yard being on Calder Road. The area is predominantly residential in nature. The Council have indicated that for houses of this size, their parking standards require the provision of 2 parking spaces per dwelling. However, the scheme that was previously approved provided just one space per dwelling in the rear yard.
8. The layout of the approved parking spaces meant that any vehicle accessing the space for No 2, would have had to pass very close to the only door for No 2a as well as to the windows serving the kitchen diner of that house. It would also have required any vehicles associated with No 2a to park very close to the wall that forms the rear boundary of the yard. As such the approved layout is tight and would have required the co-operation of the occupants of each dwelling to enable 2 vehicles to park there. This is something which is not possible to enforce.

9. From the evidence before me and what I saw on my site visit, it is clear that Calder Road is used to provide off-street parking, most probably by the occupiers of the properties fronting Otley Road, whose rear gardens back onto this road. Given the narrow width of Calder Road, the ability to enter / exit parking spaces in the rear yard of the appeal site would be made very difficult if vehicles were parked on Calder Road in the vicinity of the rear yard. Where people park on Calder Road is not within the control of the appellant.
10. Moreover, to either side of the yard are 2 storey elevations of buildings that immediately abut the narrow pavement. Consequently, visibility when exiting the parking spaces would have been severely sub-standard and could not be improved without the demolition of the buildings.
11. Consequently, I agree with the appellant that even if the parking spaces had been provided, it would have been highly likely that occupiers of the two houses would have chosen not to use them due to the physical constraints outlined above.
12. Apart from for short distances close to junctions where there are double yellow lines, parking on the surrounding streets is unrestricted. Properties on the roads to the north and west of the site comprise largely terraced housing with no off-street parking. However, there are roads to the rear of each terrace as well as to the front which provide opportunities for parking. On College Street the majority of houses have off-street parking for at least 1 car. In addition, in the immediate vicinity of the site there is a long stretch of the road which adjoins the rear gardens of properties on Hill Rise Avenue rather than properties fronting College Street and therefore has no drives that limit the amount of parking.
13. The parking spaces are either adjacent to largely blank gable elevations of properties or high boundary treatments of dwellings. There is no evidence to show that the current use of these spaces for parking has an unacceptable impact on the living conditions of existing residents, and I am satisfied that an additional 2 vehicles can be accommodated without any further detriment to them.
14. Whilst both the Council and Town Council have stated this to be an area that experiences high demand for on-street parking, the appellant carried out a parking survey on College Street, that shows that even at the times with the highest amount of parking, there was ample availability of on-street parking within the immediate vicinity of the property.
15. The Council have not disputed the findings of the survey, nor have they provided any evidence of their own to counter its findings and substantiate their assertion that this is an area that experiences high levels of on-street parking pressure. In addition, the width of the carriageway is such that it can accommodate on-street parking without detriment to the free flow of traffic or the safety of road users.
16. The Council have suggested that dwellings of this size could generate demand for 8 spaces. However, census data indicates that within this area households predominantly have 1 or 2 cars. Given the appeal properties appear to be typical in size to other properties in the area, there would appear to be no reason why car ownership levels for occupiers of these two houses would be substantially higher than the average for the area.
17. In coming to this conclusion, I have borne in mind that there is a frequent bus service on Otley Road, which also forms an attractive cycling route to the town

centre. Moreover, even if the occupiers had more cars, the loss of the off-street parking as a result of the appeal proposal only increases demand for spaces by two. The parking survey shows can easily be accommodated.

18. All in all, although the proposed change in the layout results in an increase in demand for on-street parking, I consider this can be accommodated without any harm to the free flow of traffic, highway safety or the living conditions of existing residents. Whilst I note that the reason for refusal does not make reference to any development plan policies, I consider it would not be contrary to the National Planning Policy Framework which requires that developments should not have an unacceptable impact on highway safety and should create places that are safe, secure and attractive.

Other Matters

19. The revised layout plan provides the details of cycle storage which in the absence of using the rear yard for parking can be accommodated within the garden area of each dwelling. The Council have raised no objections to the proposed cycle storage lockers, and I am satisfied that the details and location of the lockers are acceptable.
20. Furthermore, from my own observations I agree with the Council's conclusion that the external changes to the property do not unacceptably harm the character and appearance of the area.

Conditions

21. The *Planning Practice Guidance* makes clear that decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission unless they have already been discharged. The Council have not provided a list of suggested conditions but other than the standard timeframe for development all the other conditions imposed on the original applications are under consideration in the appeal.
22. To provide certainty I have imposed a condition which specifies the relevant plans to which the scheme must accord. As it is unclear whether the cycle storage lockers have been provided, in the interests of sustainable transport I have attached a condition requiring their provision within 3 months of this decision, and their retention thereafter.
23. Within the Officer's report it is suggested that the small second floor bathroom window on the gable elevation could be conditioned to be obscure glazed. However, no such condition was used for the first floor bathroom window which is the same distance to the rear elevation of the properties on Otley Road. Consequently, I consider it would not be reasonable or necessary to apply such a condition to this window.

Conclusion

24. For the reasons set out above, I conclude the appeal should be allowed.

Alison Partington

INSPECTOR