

Appeal Decision

Site visit made on 20 December 2016

by **Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 6 January 2017

Appeal Ref: APP/Z4718/W/16/3158631

Land to the front of High Beeches, 585 Manchester Road, Linthwaite, Huddersfield, HD7 5QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr James Charlton against Kirklees Metropolitan Borough Council.
 - The application Ref 2015/62/94019/W, is dated 15 December 2015.
 - The development proposed is described as a pair of semi-detached houses to the frontage of 585 Manchester Road, Linthwaite.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling at Land to the front of High Beeches, 585 Manchester Road, Linthwaite, Huddersfield, HD7 5QX in accordance with the terms of the application, Ref 2015/62/94019/W, dated 15 December 2015, subject to the attached schedule of conditions.

Procedural Matters

2. During consideration of the application by the Council, the proposed development was amended by the appellant. This resulted in the proposed semi-detached dwellings being superseded by a proposed detached dwelling. I have therefore determined this appeal on the basis of that amendment with the proposed development being for the erection of a detached dwelling.

Main Issues

3. The main issues in the appeal are:
 - The effect of the proposed development on the character and appearance of the surrounding area.
 - The effect of the proposed development on highway safety.

Reasons

Character and appearance

4. The appeal site comprises an area of sloping land in the front of High Beeches that is predominantly grassed. It occupies a transition point in the character of the street scene on the eastern side of Manchester Road with stone built
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terraced properties immediately to the north east and bespoke designed detached and semi-detached properties to the south west that are set well back from the road with substantial intervening shrubs and trees. The western side of Manchester Road is occupied by a variety of commercial properties set at a lower level from the road.

5. The proposed development would involve the construction of a modest sized two storey detached dwelling constructed in stone with accommodation in the roof space. It would occupy the north eastern half of the site and as such would be sited close to the existing terraced block where the proposed front elevation would be positioned slightly forward of the front wall of this row of properties. The south western half of the site would be occupied by car parking and turning space. A substantial stone faced retaining wall would be constructed at the rear of the site to retain the access drive and garden of High Beeches.
6. The construction of a modest sized dwelling positioned close to the terrace block would have synergy with the urban form of development to the north east. Whilst there would be an un-doubtable change in the character and appearance of the site, the proposed dwelling would respect the scale, mass and materials of the adjacent terrace block. In addition, the site would retain its role as forming a transition between stone built properties positioned close to the road and more substantial bespoke properties set back from the road with intervening substantial planting. Consequently, I do not consider that this would cause unacceptable harm to the character and appearance of the area.
7. The Council suggest that the proposed design of the dwelling, and in particular the glazed doors with balcony at first floor level, would not reflect the simplistic design of the terraced block. However, given the position of the site in marking a transition in contrasting design styles in the locality, in my view, the proposed scale and mass of the dwelling and the use of stone is reflective of some of the character of the terraced block whilst also being reflective of the individual and varied design style of the properties to the south west. As such, the design also has a transitional visual appearance that would not markedly contrast with the character and appearance of existing development in the locality of an extent to cause any significant harm.
8. Taking the above matters into consideration, I conclude that the proposal would not significantly harm the character and appearance of its surroundings. It would not therefore conflict with Saved Policies BE1, BE2 and D2 of the Kirklees Unitary Development Plan (UDP). These policies, amongst other things, require that new development should be of a good quality design that is in keeping with surrounding development in terms of materials, design, scale, mass and density and does not prejudice the character of the surroundings.

Highway safety

9. The proposed development would introduce an additional access point on Manchester Road in close proximity to an existing access where two driveways converge. The Council indicate that the cumulative number of properties served by the existing access is five.
10. The horizontal alignment of Manchester Road in the vicinity of the proposed access is relatively straight. Consequently, there would be adequate visibility in both directions from the proposed access. The submitted plan No

HBL/2015/01 Rev B shows achievable visibility splays of 2m x 70m. The Council suggest that sightlines of 2.4m x 70m should be provided. From my observations at my site visit I consider that the Council's suggested visibility splay can be accommodated and can be provided by the imposition of an appropriate planning condition, were I minded to allow the appeal.

11. Although the proposed access would be located close to the existing access, given the likely traffic that would be generated as a consequence of the proposed single dwelling I do not consider this would be of a level that would cause any demonstrable conflict with the use of existing access. I recognise that there may be occasions when both access points are in simultaneous use. However, the proximity of the accesses to each other would enable driver communication that would assist in managing any potential conflict.
12. In any event, there is nothing unusual in the relative configuration between the proposed and existing accesses to suggest that this arrangement is unique or would give rise to unfamiliar circumstances that would demonstrably compromise highway safety. In addition, given the attainable visibility from both the existing and proposed access, I do not consider that any simultaneous use of the respective access points would unacceptably impede visibility.
13. I agree with the Council that there is adequate space within the proposed site to accommodate the required level of car parking but the internal layout of the parking and turning area could be improved to enable vehicles to manoeuvre within the site and avoid reversing movements on to the road. An appropriate layout of the proposed parking and manoeuvring area can also be secured by means of an appropriate planning condition, were I minded to allow the appeal.
14. Taking the above factors into account, I do not consider that the proposed development would cause any demonstrable harm to highway safety. Consequently, there would be no conflict with Saved Policies T10 or D2 of the UDP. These policies, amongst other things, require that new development does not prejudice highway safety.

Other matters

15. I have taken into account the concerns of some residents that the proposed development may interrupt the subsurface drainage regime of the locality as a consequence of the excavations that would be necessary to the existing sloping site. However, I have no evidence that this would be the case and nor has the Council raised any concerns regarding such matters. Consequently, I have attached minimal weight to these concerns.
16. My attention has also been drawn to the proximity of the proposed development to the side windows of the upper floor of No 581 Manchester Road. However, I agree with the Council that there would be a reasonable degree of separation between these windows and the side elevation of the proposed dwelling and whilst there would be some reduction in light and outlook, this would not be of an extent to cause any significant harm to the living conditions of the occupants of No 581.

Conditions

17. The Council has suggested a number of planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the

government's Planning Practice Guidance. As a result, I have amended some of them for clarity and eliminated some elements of them for the reasons set out below.

18. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. In order to protect the character and appearance of the area, I have also imposed conditions concerning the external materials to be used in the form a sample panel and details of an artificial roofing slate to be submitted for approval by the Council.
19. Also, in order to protect the character and appearance of the area, I agree that a condition is necessary concerning the details of boundary treatment. In the interests of highway safety I have attached conditions concerning the submission of the design details of the access, parking and turning areas and a requirement for these areas to be retained, free of obstructions and available for access and parking. I have also attached a condition requiring that the proposed sightlines of 2.4m x 70m should be provided.
20. The Council has also suggested a condition requiring the provision of a sparrow terrace nest box. Whilst I understand the desire for the provision of such nest box I have no evidence to suggest that there are any planning reasons its provision or how the suggested condition reasonably relates to the development proposed. Consequently, I have deleted the suggested condition.

Conclusion

21. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

CONDITIONS SCHEDULE

1. The development hereby permitted shall be begun within 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; HBL/2015/01 Rev B – Site Layout; HBL/2015/02 Rev B – Proposed Floor Plans; HBL/2015/ 03 Rev B – Elevations Part 1; HBL/2015/04 Rev B – Site Section; HBL/2015/05 - Elevations Sheet 2.
3. No development involving the construction of the dwelling shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall have been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample and shall be thereafter retained as such.
4. Notwithstanding the submitted details, the proposed roofing material shall comprise of an artificial slate tile, the details of which shall be submitted to and approved in writing by the local planning authority before works to construct the roof of the dwellings commences. The dwelling shall be constructed of the approved material and thereafter retained as such.
5. Notwithstanding the submitted details, details of the boundary treatment of the site shall be submitted to and approved in writing by the local planning authority before the dwelling is first occupied. The boundary treatment so approved shall be provided before first occupation and thereafter retained as such.
6. Notwithstanding the submitted details, revised details of the parking and turning areas shall be submitted to and approved in writing by the local planning authority before the dwelling is first occupied and the development shall be constructed in accordance with the approved details.
7. The development shall not be brought into use until all areas indicated to be used for access, parking and turning, approved pursuant to the requirements of condition No 6 above, have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this area shall be so retained, free of obstructions and available for access and parking thereafter.
8. The development shall not commence until sightlines of 2.4m x 70m have been provided from the access in both directions and these shall be kept free of any obstruction to visibility exceeding 1.0m in height thereafter.

Appeal Decision

Site visit made on 13 December 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 20 January 2017

Appeal Ref: APP/Z4718/W/16/3155496

Craig Heath, 7 Beaumont Park Road, Beaumont Park, Huddersfield

HD4 5JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr & Mrs Frost against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/60/93253/W, dated 9 October 2015, was refused by notice dated 1 July 2016.
 - The development proposed is the demolition of existing bungalow and erection of two dwellings with integral garages.
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Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of existing bungalow and erection of two dwellings with integral garages at Craig Heath, 7 Beaumont Park Road, Beaumont Park, Huddersfield HD4 5JT in accordance with application Ref 2015/60/93253/W, dated 9 October 2015 and subject to the conditions in the schedule below.

Procedural Matters

2. The application is made in outline with details of access and layout submitted for consideration at this stage.
3. The appeal site lies within the Green Belt. However, the Council is content that the proposal would accord with Saved Policy D13 of the Kirklees Unitary Development Plan 2007 (UDP) and relevant provisions in the National Planning Policy Framework such that the development would not amount to inappropriate development within the Green Belt. Based on the information before me, I have no reason to take a different view.
4. Concern was raised following the public consultation exercise regarding a discrepancy between plans. The Council confirmed that this was rectified by the submission of an amended location plan.

Main Issues

5. The main issues are i) the effect of the development on the character and appearance of the area and ii) whether future occupiers would be provided with acceptable living conditions having particular regard to external amenity space.
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Reasons

Character and Appearance

6. Beaumont Park Road is characterised by mainly two storey dwellings, generally set within spacious plots along a verdant sloping lane. The appeal site is located on the more sparsely developed side of the road, with many of the buildings separated by generous gaps.
7. Whilst the proposed dwellings would be spaced quite close to one another, the tightness of this relationship would be mitigated by the pronounced stagger in the forward building line which would also serve to retain a sense of spaciousness at the front of the plot. In addition a significant gap would be retained between the nearest dwelling and the western side boundary. I do not therefore concur with the Council that the development would appear cramped within the plot. Although a large area at the front of the site would be used as vehicle parking and turning space, the presence of nearby existing mature tree cover would help to soften its visual impact.
8. Accordingly I conclude that the proposal could be satisfactorily assimilated into the street scene and would not result in harm to the character and appearance of the area. It would not therefore conflict with Saved Policies BE1 and D13 of the UDP insofar as they seek to promote good design that in particular, retains a sense of local identity and protects the character of the surrounding area.

Living Conditions

9. In terms of amenity space available to future occupiers of the dwellings proposed, the rear garden areas shown would be relatively shallow due to the constraint of a steeply sloping embankment beyond. However, the garden widths would be generous with more substantial space available to the side of the western plot, albeit that this is likely to be at a raised level in the interests of tree protection. In addition, the plots would incorporate raised patio areas.
10. The rear garden and patio areas would retain an open south facing aspect and would be large enough not to be unduly compromised as a result of shading from tall mature trees which, though nearby, are substantially confined to the periphery of the site. I am satisfied that although the depth of the proposed garden areas may not comply with Saved Policy BE12 of the UDP, sufficient useable space would, nevertheless, be available for future occupiers who would be provided with satisfactory living conditions in this regard. Moreover, the presence of the embankment and abrupt change in levels to the rear means that this would not result in any detriment to occupiers of adjacent premises either. The Council notes that, as the adjacent trees grow over time, they may overhang the dwellings leading to pressure for their removal. However any such issue in relation to protected trees would need to be considered on its merits at the time.
11. I therefore conclude, on this issue, that the proposed development would incorporate satisfactory amenity space for residents and would not conflict with Saved Policy BE12 of the UDP which seeks to protect the living conditions of residents.

Other Matters

12. I have a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the effect of the proposal on the setting of the nearby No 72 Hanson Lane which is a Grade II listed building. This property is a two storey stone building set back behind a substantial stone wall. It seems to me that the special interest of this building derives from its age, form and appearance. The elements of setting that contribute to its significance include its relationship with the street and its immediate plot. The appeal site is substantially separated from this plot and due to intervening buildings there is little if any inter-visibility between the two sites. In that context, I consider that the appeal site contributes little, if anything, to the significance of the building or its setting and there would be no harm in this regard.
13. Whilst the existing building has the potential to be used by crevice dwelling bats, the Council acknowledges that the appellants' bat survey revealed no visible signs of bat occupation. Based on the information before me, I have no reason to suppose that the site is currently being used by roosting bats. In the event that bats are discovered during the course of development, protection would be secured through the requirement for the developer to obtain a European Protected Species License.

Conditions

14. I have considered the conditions suggested by the Council. Conditions requiring the submission of outstanding reserved matters, time limits for commencement of the scheme, compliance with approved plans and the protection of retained trees are required to protect the character and appearance of the area and to secure a satisfactory form of development. Conditions controlling the surfacing and protection of vehicle parking and turning areas, entrance gate details and protection of visibility splays are required in the interests of highway safety and satisfactory drainage.
15. I am satisfied that a condition is required to control the development of extensions and curtilage buildings within the properties to protect the openness of the Green Belt. However with this in place a separate condition would not be required to control the extent of curtilages. A condition regarding finished floor levels is required to ensure the living conditions of existing residents and the character and appearance of the area is protected. A condition requiring the provision of electric vehicle charging points is required in order to promote sustainable travel. A condition requiring adherence to the recommendations in the relevant bat survey would not be required for the reasons set out above.
16. I have made alterations to the wording of some of the suggested conditions for clarification and to ensure they meet the tests for conditions as specified in Planning Practice Guidance.

Conclusion

17. For the aforementioned reasons, and having had regard to all other matters raised, I conclude that the appeal should succeed and outline planning permission be granted.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, and scale , (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No 02 – Proposed Site Plan but only insofar as it relates to matters of access and layout (this excludes the sections shown which are for illustrative purposes only).
- 5) The development shall not be occupied until space has been laid out within the site in accordance with the approved Drawing No 02 – Proposed Site Plan to enable vehicles to park and turn within the site. The areas shown on the approved plan for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
- 6) Prior to installation details of the surface material for parking and turning areas and any proposed gates or barriers relating to the vehicular access to the site shall be submitted to and approved in writing by the Local Planning Authority.
- 7) The dwellings shall not be occupied until sightlines of 2m x 43m along the site frontage have been cleared of all obstructions to visibility exceeding 1m in height above the level of the adjacent carriageway and shall be retained free of any such obstruction thereafter.
- 8) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for the

protection of the retained trees shall be carried out as approved.

- 9) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved tree protection plan. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority.
- 10) Before the superstructure of the dwellings commences detailed plans indicating existing site and proposed site, building and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in complete accordance with the details so approved.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no extensions or outbuildings included within Classes A, B, C, D or E of Part 1 of Schedule 2 to that Order shall be developed.
- 12) An electric vehicle recharging point shall be installed within the garages or in a location accessible from the dedicated parking areas of the site before first occupation of the dwellings. The cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging points so installed shall thereafter be retained.

Appeal Decision

Site visit made on 6 February 2017

by **Michael Moffoot DipTP MRTPI DipMgt MCMi**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15th February 2017

Appeal Ref: APP/Z4718/D/16/3165931

35 Station Road, Fenay Bridge, Huddersfield HD8 0AA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Alison Grant against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2016/62/91707/W, dated 19 May 2016, was refused by notice dated 5 October 2016.
 - The development proposed is dormer loft conversion with dormers front and rear to form additional bedrooms.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. It is submitted that planning permission is not required for the proposed dormer to the rear of the dwelling. This is not an issue before me however, and the opportunity exists for the appellant to pursue the matter through procedures set out in sections 191 and 192 of the Town and Country Planning Act 1990.
3. That said, there is no dispute between the parties as to the acceptability of the rear dormer. I am satisfied that this aspect of the proposal would cause no material harm and would not conflict with any development plan policies I have been referred to. I shall therefore confine my detailed considerations to the front dormer.
4. The appellant has suggested a reduction in the size of the front dormer. However, this is not in plan form and has not been subject to public consultation. I shall therefore determine the appeal on the basis of the application plans as refused.

Main Issue

5. The main issue in this case is the effect of the proposed development on the character and appearance of the area.

Reasons

6. The appeal site is prominently located at a bend on the busy Station Road in a predominantly residential area characterised by dwellings of various age, style, form and materials. The end-of-terrace property is constructed of stone and brick under a slate roof and sits slightly higher than many other dwellings in the area due to the steeply sloping nature of this section of Station Road. The
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- proposed dormer would feature tile hanging to the front and sides and GRP cladding to the roof.
7. Saved policy BE15 *Kirklees Unitary Development Plan* [Revised 2007] ('the UDP') states that dormer extensions to front or main elevations of dwellings will normally be permitted provided that certain detailed criteria are met. Applying them to this case, the proposed dormer would exceed 50% of the width of the original roof and would not be centrally placed. Moreover, it would not achieve the required 1m set back from the gutter line nor would it be set down from the ridge by the stipulated distance. The dormer would be a large, box-like feature that would dominate the roof and front elevation of the dwelling and seriously unbalance the visual rhythm of the terrace. It would be a discordant addition to the street scene on a highly prominent site and would severely compromise the visual amenity of this stretch of Station Road, where no similar front dormers are evident or have been drawn to my attention.
 8. In coming to these findings, I acknowledge that the use of tile hanging to the front and cheeks of the dormer would be less conspicuous than white uPVC cladding. However, this does not overcome my concerns regarding the inappropriate design and scale of the proposal.
 9. For these reasons, I conclude that the proposed development would seriously harm the character and appearance of the area. It would conflict with those parts of policies D2, BE1, BE2 and BE15 of the UDP which seek to safeguard the visual amenity and character of an area, and secure good quality design that contributes to the built environment and is in keeping with surrounding development in respect of design and scale.
 10. The appeal therefore fails in relation to the front dormer. Whilst I consider the rear dormer to be acceptable, it is reliant upon the front dormer to provide access via a new staircase according to the plans. This is a matter for the appellant to pursue with the Council should she wish.

Michael Moffoot

Inspector

Appeal Decision

Site visit made on 5 January 2017

by **Helen Heward BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 8 February 2017

Appeal Ref: APP/Z4718/W/16/3159792

Hi Pylon Works, Slades Road, Golcar, Huddersfield HD7 4JS

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr David Fisher against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/91881/W, dated 16 June 2016, was refused by notice dated 20 September 2016.
 - The development proposed is erection of 14 dwellings.
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Decision

1. The appeal is dismissed.

Application for costs

2. An application for costs was made by Mr David Fisher against Kirklees Metropolitan Borough Council. This application is the subject of a separate Decision.

Main Issues

3. The site is within a Green Belt therefore the main issues in this case are:-
 - i. Whether or not the proposed development is inappropriate development within the Green Belt, and
 - ii. If the proposal is inappropriate development, whether or not there are very special circumstances to justify the harm caused to the Green Belt by reason of its inappropriateness and any other harms.

Reasons

Green Belt

4. Paragraph 79 of the National Planning Policy Framework (2012) (the Framework) advises that the Government attaches great importance to Green Belts. The fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belts are their openness and their permanence. Paragraphs 87 and 89 of the Framework include advice that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances, and that the construction of new buildings should be considered inappropriate unless they fall within specific exceptions listed at paragraphs 89 and 90.
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5. The exception in the sixth bullet point of paragraph 89 provides for the limited infilling or the partial or complete redevelopment of previously developed sites (brownfield land), whether redundant or in continuing use (excluding temporary buildings), which would not have a greater impact on the openness of the Green Belt and the purpose of including land within it than the existing development. One of the 5 main purposes of a Green Belt set out at paragraph 80 is to preserve the setting and special character of historic towns.
6. The appellant refers to the High Court Case *Timmins & Anor v Gedling Borough Council*¹ and argues that a key factor in judging openness is the relative size of existing and proposed buildings, with particular reference to empirical calculations of volumes and areas, and that visual impact and architectural design are factors that do not effect openness.
7. However, the Court of Appeal in *Turner v SSCLG & East Dorset Council*² recognised that the question of visual impact is implicitly part of the concept of openness of the Green Belt and the visual dimension of the Green Belt is an important part of the point of designating land as Green Belt. The Court of Appeal found that, with regard to the *Timmins & Anor v Gedling Borough Council* judgement, the judge had gone too far in stating that there is a clear conceptual distinction between openness and visual impact and stating that it was wrong in principle to arrive at a specific conclusion as to the openness by reference to visual impact. The absence of visual intrusion does not in itself mean that there is no impact on the openness of the Green Belt as a result. But this does not mean that the openness of the Green Belt has no visual dimension (paragraph 25). Accordingly I shall proceed to consider this matter.
8. The main visual impacts of existing buildings are appreciated in views from Slades Road. In these views commercial buildings built to the back edge of the public path present a solid and continuous built frontage to the street. With the exception of one relatively short two storey section, they appear to be single storey, notwithstanding the pitch of roofs over. Save for an access way width, the single storey buildings appear to wrap around the southern corner, extending back into the site where they meet a flat roof building and present another view of a continuously developed edge. The flat roof building can only be partially seen but appears to be two-storey in scale. From the north views into the site are more limited but a site access provides a restricted view. Photographs in the appellant's Design and Access Statement (D&A) demonstrate that previously single-storey buildings could be seen at the rear of the site. But from what I saw the site was largely open at the rear.
9. In the proposed scheme the gable ends to a pair of semi-detached dwellings would be seen at the site frontage, set a short distance back from the pavement. The gables would be quite wide and occupy roughly half the width of the site frontage. The eaves would be set above the first floor but large flat roof dormer windows would occupy most of the roof area with their cheeks close to the main gable ends. The dormers and vertical emphasis to fenestration would create a strong impression of three-storey dwellings. The effect would be that side elevations facing the street would appear broadly rectangular in outline, roughly three storeys in height and large in scale. I

¹ *Timmins & Anor v Gedling Borough Council* [2014] EWHC 654 (Admin)

² *John Turner v SSCLG and East Dorset Council* [2016] EWCA Civ 466

- conclude that from Slades Road they would be seen to occupy a similar or equal amount of space as the existing frontage buildings.
10. Oblique views including side and rear elevations of the frontage dwellings would emphasise the scale and mass. In most views two terraces of similar three-storey dwellings spanning most of the width of the rear of the site would be seen behind. The relatively close positioning of the main building elements, together with their height, scale and mass would result in the buildings often being viewed together. In many views the gaps between would often be indistinguishable with few opportunities to perceive spaces between and around them. The impression from Slades Road would be of a large mass of closely developed three-storey buildings appearing to occupy almost all of the site.
 11. The large three-storey scale and mass of the proposed dwellings would be emphasised when seen in close juxtaposition with the smaller scale of existing development, particularly the modestly scaled stone cottages adjacent the southern boundary. The verticality of the proposed fenestration would emphasise this and neither the limited setback of the rear dwellings, nor the separation from the frontage dwellings, would materially diminish the impact of the apparent scale on the perception of space occupied by the development, and its effect upon openness visually.
 12. Boundary walls and the close proximity of the dwellings would enclose and restrict appreciation of two new garden spaces adjacent to the frontage. The central access parking area would be very much enclosed by the three-storey buildings built close to parking spaces which would often be occupied by vehicles also diminishing openness.
 13. In plan form the layout of the buildings would be more spacious than that of all of the previous buildings. The site is located on a broad hillside which offers some elevated viewpoints in which the dwellings might not break the sky line. In most views I could see that a large part of the rear of the site was clear. Photographs in the D&A demonstrate that until relatively recently buildings covering a large area of the site were partially visible in these views. The buildings were commercial in scale and some had large gables, but from what I saw and in studying the D&A, most appeared single storey and I am not persuaded that they would have appeared to rise across the site.
 14. Overall, I find that the scale, height, mass and design of the development would appear significantly less open than existing development and moderately less open than the previous buildings shown in the appellant's D&A.
 15. The appellant refers to paragraph 7.15 of the report to the Secretary of State in APP/B1930/W/15/3028110 where it was noted there would be a marked reduction in the amount of built development on the site which should be afforded substantial weight. I am informed that the previous buildings occupied 57% of the site area and the 14 dwellings would occupy 26.5%. The Council accepts that the overall layout would result in a reduced footprint in comparison to the previous buildings and would not have a greater impact on the openness of the Green Belt than the previous buildings in this way. Nor does the Council contend that the volume of the commercial buildings that had occupied the appeal site was 7423.5m³ or that the proposed would have a volume of 6956.3m³. These changes would result in a noticeably lesser area of ground covered by buildings and an absolute physical reduction in the total volume of built form in comparison to the previous buildings.

16. However, the appellant's ground of appeal and D&A are predicated upon an extent of commercial buildings on the site that I did not find, some of the buildings shown in the D&A were no longer in existence. The Planning Officer's report also informs me that at the time the application was considered a number of buildings had been demolished.
17. There is no evidence before me in relation to the area or volume of the buildings in existence at the time of my visit and I have no way of knowing the exact amount of buildings removed. Nonetheless, from my observations on my visit and having studied the submitted drawings of the proposed development. I am not persuaded that the proposed buildings would occupy a lesser area or volume than proposed. This limits the weight I attach to the empirical evidence.
18. The Council's first reason for refusal includes that the proposal would be contrary to one of the five purposes of the Green Belt by failing to preserve the setting and special character of historic towns. There is little evidence before me in this regard and from my observations I saw nothing to indicate the potential for a greater impact.
19. Overall, and on balance, I conclude that the proposal would result in a loss of openness and therefore fails to comply with the provisions of the sixth bullet point of paragraph 89 of the Framework for the partial or complete redevelopment of previously developed sites, and as such the proposal would be inappropriate development within the Green Belt and is contrary to advice in the Framework. I attach substantial weight to these harms to the Green Belt.

Other Matters

20. In considering an outline planning application in 2015 the Council concluded that demolition of the existing buildings and erection of eight dwellings met the requirements for redevelopment of brownfield land within the provisions of the sixth bullet point in paragraph 89 of the Framework (outline planning permission 2015/93066). The Planning Officer's report informs me that the indicative layout for the eight dwellings was similar to that before me. Images in the D&A indicate that the previous scheme had been illustrated to have a similar two-storey with roof dormers design. However, the footprint for the eight dwellings appears somewhat less than the proposal I am considering and I am not persuaded that there is evidence to say that that permission would enable development of similar overall scale and mass as this proposal. Nor is there evidence to say that the effect on openness of domestic paraphernalia and parked cars, including those of visitors, would be the same for 14 dwellings as it would be for eight. Nonetheless, I attach significant weight to the existence of this permission.
21. The development would result in modest contributions to the local economy during construction and by supporting local services after. I attach a modest amount of weight in favour of these economic gains.
22. Redevelopment of a brownfield site of known environmental constraints would contribute to reducing pressure for development of green field sites. Gardens would be created and new planting made on the former brownfield site. I attach a modest degree of weight to these environmental gains.

23. Paragraph 50 of the Framework advises that where affordable housing is needed, policies should be for meeting this need on site, unless off-site provision or a financial contribution of broadly equivalent value can be robustly justified (for example to improve or make more effective use of the existing housing stock) and the agreed approach contributes to the objective of creating mixed and balanced communities. Paragraph 176 advises that where safeguards are necessary to make a particular development acceptable in planning terms, the development should not be approved if the measures required cannot be secured through appropriate conditions or agreements. However the need for such safeguards should be clearly justified.
24. The Planning Officer's report informs me that there would be a requirement for affordable housing under UDP Policies H10 and H12 and that the Council's Supplemental Planning Document (SPD2) set out the objectives for the provision of affordable housing. However, the Council has not provided evidence of these requirements. I am also informed that a viability assessment was submitted to demonstrate that an affordable housing contribution would make the development unviable, but it has not been submitted in this appeal. I have no way of knowing what it demonstrates, or if it would comply with advice in the Framework and the principles on viability in the Planning Practice Guidance. However, given my conclusions in respect of the Green Belt this issue is not determinative in this case.
25. The site is adjacent to Grade II listed buildings, 70, 72-74 Slades Road which the Planning Officer's report informs me were former weavers' cottages. They are characterised by their modest scale, traditional stone construction and being set well back from the road behind a garden with a low stone wall. Existing industrial buildings adjacent the northern boundary include a quite large flat roof office block and extend forward of the cottages alongside the garden. The appeal site appears lower than the cottages. The closest dwellings would be set back behind the front elevation of the cottages. Those in front would be separated by some distance. These details would mitigate the impact of the development. On balance, I find that the proposal would cause no harm to, and would preserve the setting of, these nationally designated heritage assets and so would not harm their significance. This does not weigh in favour of the proposal. It is neutral in effect.
26. This part of the Green Belt has the character and appearance of a settled landscape. Topography and landform strongly influence the layout and positioning of built form on the broad hill side. In the wider locality buildings are seen set at a variety of levels with some appearing higher or taller than neighbouring dwellings. There are differently scaled buildings, including stone dwellings with tall gables facing roads, tall terraced dwellings, a large Wesleyan Chapel, a range of styles and sizes of modern dwellings and a variety of densities and plot sizes. All influence the character and appearance of the locality. The Council's Conservation and Design Officer noted that the range of industrial buildings added little or nothing to the surrounding area and that the design would make reference to the materials of the surrounding area and respond to the mixture of house types. They concluded that the design was acceptable and, on balance, I agree. This neither adds weight for or against.
27. The side elevation to plot 2 and 4 (facing the rear plots) would include secondary habitable room openings and allow access onto balconies at first floor level. These openings face the front elevations of proposed dwellings to

- the rear of the site. The Planning Officer's report states that the proposal satisfies the requirements of Policy BE12 of the Kirklees Unitary Development Plan (UDP). It seeks to ensure that a reasonable amount of space be provided around new dwellings in the interests of the amenity of future residents, and to prevent overlooking and undue loss of privacy to any existing residents.
28. The secondary window elevations would be narrow allowing only restricted views. There would be doors to a small balcony at the first floor. The front elevations of the rear dwellings would include a garage and door opening at ground floor, bedroom and hall windows at first and second floor levels. The main aspects to their principle habitable rooms would be west facing. The limited potential overlooking of the western plots from openings in the east side elevations of plots 2 and 4 would not be significantly overbearing.
29. Frontage dwellings would cast some shadows across the front elevations of some plots to the rear. The main aspects of the rear dwellings are west facing. The shadows that would fall upon the first and second floor bedroom windows would not be significant and the siting and design of plots two and four would not have a significant adverse effect upon the living conditions of future occupiers of proposed dwellings to the rear.
30. Plots 1 and 2 would have rear openings facing 54 Slades Road and Plots 3 and 4 would have openings facing towards 70 Slades Road. The potential for direct overlooking would be limited to garden areas and given the separation distances would not significantly adversely affect the living conditions of the occupiers of these dwellings. I find no conflict with one of the core planning principles at Paragraph 17 of the Framework which advises that planning should always seek to secure a good standard of amenity for all future occupiers of land and buildings.
31. The appellant submits that the Council has consistently fallen short of achieving a five year housing land supply and has a shortfall of housing land, and the proposal will provide housing in an appropriate location close to local services including a shop, school and nursery. There is no evidence before me on housing land supply and as I have been unable to determine if affordable housing is needed I am not persuaded there is evidence to say the proposal would meet the social dimension of sustainable development.

Conclusions

32. The proposed development would have a greater impact on the openness of the Green Belt and the purpose of including land within it than existing development and therefore fails to comply with the provisions of the sixth bullet point of Paragraph 89 of the Framework for the partial or complete redevelopment of previously developed sites. The proposal is inappropriate development within the Green Belt, which the Framework indicates should not be allowed except in very special circumstances.
33. On balance, the setting of Grade II heritage assets adjacent the site would be preserved and the character and appearance of the wider locality not harmed. There would be no harm to the living conditions of occupiers of existing dwellings adjacent the site or those of future occupiers of dwellings within the proposed scheme. None of these matters amount to very special circumstances and neither weigh for or against the scheme.

34. I have been unable to determine if the development should make appropriate provision to secure affordable housing provision and if so whether a contribution in lieu of on-site provision would be robustly justified.
35. The proposal would result in the redevelopment of a brownfield site and modest economic and environmental gains to which I attach a moderate degree of weight in favour.
36. In this case there was a greater quantum of buildings on the site until recently and which led to the Council granting outline permission for eight dwellings. That application indicated a similar layout to that of the proposed and the permission is still extant. This attracts significant weight in favour.
37. In weighing all of these matters I find that the weight in favour to be attached to the existence of an outline planning permission, and the modest environmental and economic gains that redevelopment would bring, do not together clearly outweigh the substantial harms to the openness of the Green Belt and by reason of inappropriate development within it. Accordingly very special circumstances do not exist.
38. Therefore, and having taken all other matters raised into consideration, including that the application attracted many representations, I conclude that the appeal should be dismissed.

Helen Heward

PLANNING INSPECTOR

Appeal Decision

Site visit made on 24 January 2017

by **Andrew McCormack BSc (Hons) MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 February 2017

Appeal Ref: APP/Z4718/W/16/3163230

Rose Glen, Far Lane, Hepworth, Holmfirth HD9 1TL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr & Mrs Michael Walker against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/92127/W, dated 24 June 2016, was refused by notice dated 21 October 2016.
 - The development proposed is extension of existing double garage and conversion to single dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The proposed development is within the Green Belt and so the main issues are:
 - whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework);
 - the effect of the proposal on the openness of the Green Belt; and
 - if the proposal would be inappropriate development, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations so as to amount to the very special circumstances necessary to justify it.

Reasons

Inappropriate development

3. Paragraphs 89 and 90 of the Framework set out the categories of development which may be regarded as not inappropriate in the Green Belt, subject to certain conditions. The appellants contend that the proposal would not be inappropriate development as it would not result in any disproportionate additions over and above the size of the original garage building. In addition, it is argued, the existing building is of robust construction which would facilitate conversion and extension.
 4. Whilst the proposed extension may be modest in the appellants' view, it would constitute a significant increase in the total volume and floor area of the building by more than 50%. In my view, this would be a disproportionate and
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substantial addition to the original building and would result in a significant change in the character and appearance of the building.

5. As such, the proposed development would not fall within the categories of buildings or structures allowed for in Paragraph 89 of the Framework. Consequently, I conclude that the proposal would be inappropriate development for the purposes of the Framework. Accordingly, the resultant harm must be given substantial weight in determining this appeal.

Effect on openness

6. The appellants argue that the proposed development would be small and have very little impact on its surroundings or on the openness of the Green Belt. Furthermore, it is argued that there would be little adverse effect on openness as the garage building, the garden use and surrounding land, the driveway and access already exist. Therefore, in the appellants' view, the small extension, which does not exceed the existing roof ridge height of the appeal building, would not have a detrimental impact on the openness of the Green Belt.
7. Notwithstanding the above, I find that the proposal would represent a significant increase in the footprint of the building. Whilst not increasing its height, it would extend the bulk and volume of the building on the site. Although it would be below the level of the public highway on Far Lane, the enlarged building would inevitably be more visible and prominent given that it is the first building to be seen on that side of Far Lane when approaching from the south. The impact would be exacerbated due to the area to the east of Far Lane having a predominantly open and rural character. Therefore, the proposed development would increase the physical and visible extent of the appeal building in its surrounding area which is predominantly open in character and appearance. As a result, it would have a detrimental impact on the Green Belt and would reduce its openness as a result.
8. Having considered the above, I conclude that the proposed dwelling would cause material harm to the openness of the Green Belt and would impact on the Green Belt purpose of safeguarding the countryside from encroachment. Consequently, I conclude that the proposal would be contrary to Policy D11 of the Kirklees Unitary Development Plan and the Framework. This policy and guidance seeks to strictly control development in the Green Belt and keep land permanently open.

Other considerations

9. I have had due regard to the personal circumstances of the appellants and their desire to have the proposed dwelling as a lifetime home. I have also considered the described features of the scheme put forward in support of the scheme in the Design and Access Statement.
10. The purpose of the proposal is to provide the appellants, who currently occupy the host property 'Rose Glen', with a suitable and accessible home due to personal circumstances and future needs. I appreciate the private and sensitive nature of these matters and I am conscious of the appellants' special needs and best interests. However, from what I have seen and read, there is no substantive evidence to indicate that it would be impossible for the appellants to adapt their existing dwelling to meet their future requirements.

Against this background, I see no overriding justification for further development within the Green Belt and its consequent harm.

11. The appellants state that the proposal could be achieved through permitted development rights. However, this has not been demonstrated and it is not appropriate under Section 78 of the Town and Country Planning Act 1990, as amended, to determine whether or not this would be the case. I therefore attach very limited weight to this matter.

Conclusion

12. The Framework indicates that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. In addition, where there would be adverse effects on openness and the Green Belt purpose of safeguarding the countryside from encroachment, substantial weight should be given to the harm caused. Very special circumstances will not exist unless the harm to the Green Belt and any other harm are clearly outweighed by other considerations.
13. Having had regard to all other matters raised, I conclude that the substantial weight to be given to Green Belt harm is not clearly outweighed by other considerations sufficient to demonstrate the very special circumstances necessary to justify the proposal. I am also satisfied that dismissal of the appeal is a proportionate response necessary in the wider public interest having also had regard to my public sector equality duties.
14. Consequently, for the reasons given above, and in accordance with national and local policy, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR

Appeal Decision

Site visit made on 2nd February 2017

by Alison Roland BSc DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 17 February 2017

Appeal Ref: APP/Z4718/D/16/3162641

6 St Marks View, Longwood, Huddersfield, West Yorkshire, HD3 4TF.

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Simon Holmes against the decision of Kirklees Metropolitan Council.
 - The application Ref: 2016/62/92227/W, dated 30 June 2016, was refused by notice dated 7 September 2016.
 - The development proposed is conversion of garage and two storey extension.
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Decision

1. The appeal is allowed and planning permission is granted for conversion of garage and two storey extension at 6 St Marks View, Longwood, Huddersfield, West Yorkshire, HD3 4TF, in accordance with the terms of the application, Ref: 2016/62/92227/W, dated 30 June 2016, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No: SMV01: Location Plan: 1:1250@ A4; Drawing No SMV02: Existing Site Plan; Drawing No: SMV03: Existing Plans and Elevations; Drawing No: SMV04 Rev:A: Proposed Plans and Elevations.
 - 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.

Main Issues

2. The main issues in this appeal are the implications of the proposal for (1) the character and appearance of the area and (2) highway safety.

Reasons

3. The proposed extension would be in place of an existing attached garage to the side of the property which is also link attached to the adjoining dwelling No 8. It would significantly increase the scale of the resultant dwelling, particularly at first floor. However, by virtue of the significant setback on both the front and rear elevations, it would not dominate the host property and would nonetheless appear as a harmonious addition thereto, despite the matching ridge line. The windows would not line through with the existing windows, but the difference would be scarcely noticeable on the front elevation and not discordant on the rear. Merely
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because the pitched roof would not exactly match the existing roof forms on the property would not look out of place, as the existing dwelling has no particular symmetry in its design.

4. I accept the proposal would result in some loss of openness between the appeal property and its neighbour No 8. However, given the aforementioned setbacks to the front and rear elevations, coupled with the slightly higher ridge line than No 8 and the fact the latter property is of a different design, I do not accept that it would give rise to a true terracing effect. Moreover, as there are only two pairs of houses in this particular row, the relative spacing between them does not form a noticeable rhythm in the street scene, which it is essential to retain.
5. For these reasons, I conclude on the first main issue that the proposal would integrate comfortably with the host dwelling and prevailing character and appearance of the area. I thus find no conflict with saved Policies D2, BE1, BE2, BE13 and BE14 of the Kirklees Unitary Development Plan (Revised with effect from 28 September 2007) (UDP), or the advice in the National Planning Policy Framework, which seek to secure good quality design in new development (including residential extensions), which respects the design features of the existing house, is in keeping with its surroundings and does not result in an undesirable terracing effect.
6. The Council's concern in relation to the second main issue centres on the increase in size of the property generating an increased requirement for car parking. Although the proposal would retain the current car parking space, any additional parking on street, would it is maintained, compromise the safe and efficient use of the highway. This is not a proposition I accept for the following reasons.
7. Firstly, an additional bedroom does not automatically translate into increased car ownership and many additional bedrooms are occupied by children or utilised as guest accommodation on an occasional basis. I accept that if the proposal did generate additional car ownership at the property, this would likely be accommodated on street, but it does not follow that highway safety would be compromised as a result.
8. Although St Marks View has a narrow and relatively steeply graded access, it is possible to park on street in several places. Moreover, as a cul-de-sac it is very lightly trafficked. With this in mind and given the aforementioned narrow access and parking spaces, drivers are likely to be moving at very slow speed and exercise care when navigating in the vicinity. In such an environment, I cannot accept that any marginal increase in on street parking that did occur, would materially compromise the safe and free flow of traffic. Accordingly, I find no conflict with Policy T10 of the UDP, which seeks to avoid development which would create or materially add to highway safety.
9. The Council have not suggested any conditions other than the standard time limit for commencement of development, confining the approval to specified plans and requiring the use of matching materials. The latter two are necessary for the avoidance of doubt and to ensure a satisfactory finish to the development and I shall therefore impose them.

ALISON ROLAND

INSPECTOR

Appeal Decision

Site visit made on 19 December 2016

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 24th January 2017

Appeal Ref: APP/Z4718/W/16/3158454
156 Trinity Street, Huddersfield. HD1 4DX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mrs Halina Bujak against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2016/62/91526/W dated 18 May 2016 was refused by notice dated 15 July 2016.
 - The development proposed is change of use from residential (Class C3) to a non-residential institution (Class D1)
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This decision is issued in accordance with Section 56 (2) of the Planning and Compulsory Purchase Act 2004 as amended and supersedes that issued on 23 December 2016.

Decision

1. The appeal is allowed and planning permission is granted for change of use from residential (Class C3) to a non-residential institution (Class D1) at 156 Trinity Street, Huddersfield. HD1 4DX in accordance with the terms of the application, Ref: 2016/62/91526/W dated 18 May 2016, subject to the conditions set out in the Schedule attached to this decision.

Procedural Matter

2. I have taken the description of the proposed development from the Council's decision notice. Although it differs from that stated on the application form, I consider it more accurately describes the proposal.

Main Issues

3. I consider there are two main issues in this case. Firstly, the effect of the proposal on the special architectural and historic interest of the Grade II listed building, and the character and appearance of the Greenhead Park Conservation Area; and secondly, whether the proposal would result in increased pressure for parking on the surrounding streets, and if so whether it would be harmful to highway safety.

Reasons

4. The application relates to a Grade II listed building on a corner plot at the junction of Trinity Street and Vernon Avenue within the Greenhead Park Conservation Area. The building has been used variously as a hotel and social club and appears to have been last used for residential purposes.

5. The application describes the proposal as an education study centre. Supporting information states that the intended use would provide GCSE and 'A' level revision courses, pre-university study skills, English language courses, IT support for senior citizens and a variety of other courses that would benefit the local community. It is indicated that there would be 3 full-time and 8 part-time staff, and that the opening times would be 10.00 - 20.00 Monday to Saturday and 10.00 - 16.00 on Sundays. The appellant states that at this stage, it is not envisaged that any alterations will be made to the building.

Listed Building/Conservation Area Issue

6. Sections 16 and 66 of the *Planning (Listed Buildings and Conservation Areas) Act 1990* state the need to have special regard to the desirability of preserving listed buildings and any features of special architectural or historic interest they possess. Section 72 states that special attention should be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. Moreover, paragraph 132 of the *National Planning Policy Framework* (the Framework) says great weight should be given to the conservation of a heritage asset (including listed buildings and conservation areas), and any harm to their significance should require clear and convincing justification. Paragraph 128 places the onus on applicants to describe the significance of any heritage assets affected.
7. Saved Policy BE5 of the *Kirklees Unitary Development Plan* (UDP) says proposals for development in conservation areas, including changes of use, should respect the architectural qualities of surrounding buildings and contribute to the preservation or enhancement of the character or appearance of the area. I have not been referred to any UDP policies in relation to listed buildings.
8. The appellant has not attempted to describe the significance of the building or evaluate the impact of any proposed works on its significance. Nor has a companion listed building consent application been made as would normally be the case, as the appellant says this would follow if planning permission was granted for the change of use. What is evident is that the building is currently disused, and has been for many years, and by 2016 had fallen into a state of disrepair. In April 2016 the Council served an Emergency Prohibition Order under Section 43 of the *Housing Act 2004* stating that hazards exist at the property and, in effect, preventing all uses other than storage.
9. However, the Council has raised no objections to the proposal in terms of its effect on the significance of the listed building and the character and appearance of the conservation, and in the circumstances I find no reason to disagree. The proposal would bring about a viable use for a building which is clearly in need of repair and refurbishment, and would help secure its future. No external or internal alterations are proposed and I note the intention to restore as many original features as possible, and to use the rooms as they exist for teaching purposes and for an office.
10. Taking all these matters together, I consider that the proposal would preserve the special architectural and historic interest of this listed building. For the same reasons I consider that the character and appearance of this part of the Greenhead Park Conservation Area would be preserved, causing no harm to the significance of any of these heritage assets. As such, I find no conflict with UDP Policy BE5 and National planning policy in the Framework.

Parking/Highway Safety Issue

11. The Council's sole reason for refusal relates to highway safety, and its main concern (and that of many neighbours) relates to the intensification of use of the site in the context of added pressures for on-street parking. The application form indicates that 2 No off-street parking spaces would be provided, although subsequent information from the appellant indicates that 4 No spaces could be provided at the rear of the site (including one 'disabled' space). Although no layout plan has been submitted to demonstrate this I am satisfied from my site visit that 4 No spaces could be accommodated in this area.
12. The road junction adjacent to the site has standard waiting restrictions around it and a residents' parking permit scheme is in effect on Vernon Avenue and Trinity Street. There is some unrestricted parking a short distance from the site on Park Drive adjacent to Greenhead Park, although parking along here is often heavily subscribed during the day time. This was evident from my site visit. As such, the Council considers that the level of off-street parking proposed would be wholly inadequate to cater for staff and students, as well as from people dropping off and collecting students.
13. It considers the proposal would worsen levels of parking stress in an area where the majority of free spaces are taken up early in the day by town centre workers, together with parking demands from local residents (many of the large houses are subdivided into flats and student lets), the nearby driving test centre, and from events held at the Caribbean Club and Greenhead Park. It is also concerned that increased parking in and around the busy junction would have a harmful impact on highway safety and traffic management. These views are echoed in the responses received from a number of local residents.
14. Saved UDP Policy T10 says new development will not normally be permitted if it will create or materially add to highway safety problems, or cannot be adequately served by the existing highway network or public transport. Policy T11 says the provision of off-street parking will be required in accordance with the Council's standards as set out in UDP Appendix 2.
15. Based on these standards the Council indicates that 15 No parking spaces should be provided, although has not attempted to quantify this figure. However, Appendix 2 confirms that these are maximum standards, with lower levels of provision being appropriate where the proposed use can still operate effectively or where the developer wishes to provide fewer spaces, unless there would be significant adverse consequences for road safety or traffic management. With similar aims, paragraph 39 of the Framework says that when setting local parking standards, local planning authorities should take into account the accessibility and type of the development, and the availability of and opportunities for public transport.
16. In this case the site is well served by public transport and is on the edge of the town centre where several public car parks are available. Furthermore, given the nature of the proposed use, I accept that many of the primary users of the study centre (students) are unlikely to be car users. The building has been used in the past for various commercial purposes, and it appears to me that almost any future use (other than a single private dwelling) is likely to generate some additional activity and demand for car parking. In any event, an

important material consideration is the fact that the building is listed, vacant and in need of an occupier to help secure its restoration and future. In my view this factor weighs heavily in favour of the proposal, as does the Framework's support for sustainable economic growth and the provision of new jobs.

17. Overall, and based on the nature of the use and the accessible location, I consider the additional demand for parking is likely to be modest and capable of being absorbed into the surrounding streets where some spare capacity exists. Paragraph 32 of the Framework says development should only be prevented on transport grounds where the cumulative impacts would be severe. In this case I consider the impact would not be severe, and conclude on this issue that the proposal would not lead to a significantly increased demand for parking in the surrounding area or materially harm highway safety. As such, I find no conflict with UDP Policies T10 and T11 and the Framework.

Conditions

18. I have considered the conditions put forward by the Council in the light of the advice in the *Government's Planning Practice Guidance*. In addition to the standard time condition for the commencement of development, a condition is needed to secure compliance with the approved plans for the avoidance of doubt and in the interests of proper planning. As potential uses of the building within Use Class D1 could be wide-ranging, I agree with the Council that a condition is needed to restrict the use specifically to an education study centre. This would allow the Council a degree of control over other potential uses in the interests of highway safety and residential amenity. For the avoidance of doubt I have also imposed a further condition which requires the submission and approval of details of the proposed parking area, before the development is brought into use.

Conclusion

19. I have taken account of the individual letters of objection from local residents and the Trinity and Greenhead Residents Association. These relate to the problems arising from parking pressures in the area, the impact on living conditions arising from the proposed opening hours, and a preference for residential use. Taken together, these demonstrate a considerable level of local feeling. Nonetheless, whilst I note these and other concerns, for the reasons given above none is sufficient to alter the considerations that have led to my conclusion.
20. Therefore, for the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

Nigel Harrison

INSPECTOR

Schedule of Conditions

- 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 following approved plans: Proposed Lower Ground Floor Plan; Proposed Ground Floor Plan, Proposed First Floor Plan; Proposed Attic Plan, all at 1:100 scale.
- 3) The premises shall be used for an education study centre and for no other purpose (including any other purpose in Class D1 of the Schedule to the *Town and Country Planning (Use Classes) Order 1987* (as amended) (or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).
- 4) The building shall not be occupied until the area proposed for car parking at the rear of the building has been surfaced, marked out, and lit in accordance with details that shall first have been submitted to and approved in writing by the local planning authority, and that area shall thereafter be kept available at all times for the parking of vehicles.
- 5) The use hereby permitted shall only take place between the following hours:
10.00 – 20.00 Mondays - Saturdays
10.00 -16.00 Sundays.