
Appeal Decisions

Site visit made on 13 November 2017

by Susan Ashworth BA (Hons) BPL MRTPI

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

Decision date: 21st November 2017

Appeal Ref: APP/Z4718/W/16/3166105

31 Hall Bower, Hall Bower, Huddersfield HD4 6RR

- 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 Miss Faye Birkenshaw against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/91454/W, dated 29 April 2016, was refused by notice dated 17 October 2016.
 - The development proposed is rear extension.
-

Appeal Ref: APP/Z4718/Y/16/3166108

31 Hall Bower, Hall Bower, Huddersfield HD4 6RR

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Miss Faye Birkenshaw against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/65/91455/W, dated 29 April 2016, was refused by notice dated 17 October 2016.
 - The works proposed are rear extension.
-

Decisions

1. Appeal A: The appeal is dismissed.
2. Appeal B: The appeal is dismissed.

Main Issue

3. The main issues in this case are:
 1. The effect of the development on the special architectural and historic interest of the listed building.
 2. The effect of the development on the living conditions of neighbouring residents, with particular regard to outlook.

Reasons

Effect on the special interest of the listed building

4. 31 Hall Bower is a modest two-storey, mid-terraced property dating from the C18 or early C19. The building, along with others in the terrace, is a Grade II listed building. The building is faced in hammer-dressed stone and has two, three-light mullioned windows to the front elevation. To the rear is a modern

- two storey extension which is similar in terms of its design and appearance to that adjoining it at No 29.
5. The proposal seeks to alter the property by extending the existing two-storey element across the full width of the building and adding a single-storey, full-width lean-to. The proposal would enable the existing kitchen to be enlarged to form a kitchen/dining room with an enlarged third bedroom and en-suite bathroom above.
 6. The starting point for the consideration of the proposal is Sections 16 (2) and 66 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) which require that special regard is had to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest it possesses.
 7. Whilst the notable architectural details of the building are set out in the list description, the list entry should not be regarded as a comprehensive statement of all the components of the listed building or an assessment of its significance. It seems to me that part of the significance of the building lies in its modest, simple form and scale. The original rear elevation, still partly visible, is of a simpler design than the front but nevertheless contributes to, and reflects, the modest character of the dwelling.
 8. The proposed extension would obscure what remains of the original fabric of the rear elevation. Moreover, it would reduce the legibility of the building such that from the rear its original scale and form would no longer be appreciated. In addition to its scale, the complexity and form of the proposed extension would be at odds with the simple form of the original dwelling. Whilst I note that natural materials are proposed, this in itself would not effectively mitigate against the harm the proposal would cause.
 9. I noted on site that the rear of the terrace is considerably less uniform than the front and that there are rear extensions to a number of the properties, including a substantial gabled extension further along the row. However, whilst not all of the extensions are sympathetic additions, or good examples of development to follow, it is unclear from the evidence before me whether the extensions were constructed before or after they were listed in 1978 or whether there were any particular circumstances that led to their approval. The appellant has advised that in addition an extension similar to the appeal proposal has recently been granted consent at a property close to the site. However, there are no details of the proposal or the circumstances that led to its approval before me. As such I cannot be sure that the developments indicated are entirely comparable to the appeal proposal.
 10. For the reasons set out above, the proposal would detract from the architectural and historic interest of the building. As such, it would not comply with the weighty statutory requirements of the Act, as set out above. For the same reasons, the proposal would not comply with Policy BE13 of the Kirklees Unitary Development Plan which requires, in terms of extensions to listed buildings, that the intrinsic value of the host building is retained and the original building remains the dominant element.
 11. The approach in the National Planning Policy Framework is that where the harm to the significance of the building would be less than substantial, as in this

case, it should be weighed against the public benefit of the proposal including securing its optimum viable use.

12. I acknowledge that the proposal would be of benefit to the appellant in providing enhanced living space to meet the appellant's personal circumstances as set out in the appeal documents. I am not persuaded therefore that this consideration equates to a public benefit including securing its optimum viable use, sufficient to outweigh the harm that I have identified.

Effect on the living conditions of neighbouring residents

13. The two-storey element of the proposed extension would project some 3.1m from the building adjacent to the common boundary with No 33. The additional single storey element would project a further 1.5m. I noted at my site visit that windows on the rear elevation of No 33 lie some distance away from the common boundary. As such I am satisfied that the proposal would not harm the outlook or be unduly overbearing from within the house. For the same reasons, the development would not unduly compromise light within the property.
14. The extension would be very prominent when viewed from within the garden of No 33. At present there is a degree of openness between the gardens as a result of the nature and height of the boundary treatment between properties in the terrace. However, as they are relatively long gardens that extend well beyond the line of the proposed extension, openness would not be unduly compromised by the scale of the development.
15. Consequently, whilst I acknowledge that the extension would project more than the 3m set out in Policy BE14 of the Kirklees Unitary Development Plan, I am satisfied that the proposal would not result in undue harm to the living conditions of the adjoining residents.

Conclusion

16. Whilst I have found no harm to the living conditions of the adjoining residents, for the reasons set out above, and taking into account all other matters raised including a letter from a neighbouring occupier raising no objections to the proposal, the appeal is dismissed.

S Ashworth

INSPECTOR



Appeal Decision

Site visit made on 14 November 2017

by D H Brier BA MA MRTPI

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

Decision date: 21 November 2017

Appeal Ref: APP/Z4718/X/17/3170793

Laverock, Heath House Lane, Bolster Moor, Golcar, Huddersfield HD7 4JP

- The appeal is made under section 195 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991 against a refusal to grant a certificate of lawful use or development (LDC).
 - The appeal is made by Mr S Beeby against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/CL/92452/W, dated 18 July 2016, was refused by notice dated 29 September 2016.
 - The application was made under section 191(1)(a) of the Town and Country Planning Act 1990 as amended.
 - The use for which a certificate of lawful use or development is sought is a dwelling with integral garaging.
-

Decision

1. I dismiss the appeal.

Preamble

2. In order for the appeal to succeed it has to be shown that the use in question commenced more than 4 years before the date of the LDC application and has continued actively throughout the subsequent 4 year period. The LDC application form is dated 18 July 2016, whereas the date given on the notice of refusal is 4 August 2016. It may be that the apparent discrepancy is down to when the application was formally registered, but my view is that the 4 year period prior to and up to 18 July 2016, as indicated on the application form, is the appropriate one for assessing lawfulness in this instance. The test for the evidence is the balance of probability, and the Courts have held that in cases such as this, the onus on proving it lies with the appellant.
3. Section 171B of the 1990 Act is silent insofar as 'continuous' use is concerned, as the appellant points out. However, the Courts have held that in cases where a residential use has not become established, continuity is a key factor. Indeed, the issue of continuous residential use lies at the heart of the judgement in *Swale BC v FSS & Lee [2005] EWCA Civ 1568*.

Appeal

4. The use in question is accommodated in what, from the outside, looks like a detached 3 bay garage in the grounds of 'Laverock'. The western bay has been partitioned off, and another partition has been installed behind the external garage door. Inside, there is an equipped kitchen and a bathroom and hallway. From the latter, a staircase leads up to a single large room that occupies the

whole of the first floor of the building. At the time of my site inspection, the accommodation did not appear to be occupied. For instance, apart from the kitchen units and associated appliances, and a very small table in the upstairs room, no items of furniture were discernible.

5. According to the appellant, the accommodation was installed in the garage so that the owner of the property could live in it whilst a previous dwelling on the site was demolished and construction of a new house took place. It is stated that the appellant and his family moved into the building in July 2011 and lived in the property as a dwelling for more than 18 months until they moved into the new house in early 2013. The accommodation remained as a dwelling, with friends and family staying in it from time to time. The appellant has continued to receive and pay Council Tax bills since July 2011.
6. The Council acknowledge that the appellant has been liable for Council Tax since the latter date. However, liability for Council Tax does not necessarily demonstrate that the accommodation has actually been lived in continuously. Furthermore, while the July 2011 date is consistent with what the appellant says about the initial occupancy of the building, the information from the Council's revenues and benefits department also indicates that the building became empty and unfurnished from 15 December 2012.
7. The December 2012 date roughly coincides with when the appellant indicates he moved into his new house. However, from then onwards, evidence about the precise nature and duration of any occupancy of the accommodation is very sparse. Indeed, the appellant acknowledges that there have been times when the building has been empty. It may be that friends and relatives have stayed in the building on occasions, but no indication of when these stays occurred, or for how long they lasted, has been given. Nor is it clear whether occupancy during these periods was independent of the appellant's home, or whether the property merely functioned as overspill accommodation for it.
8. In *Gravesham v Secretary of State for the Environment and O'Brien* [1983] JPL 306 it was held that the distinctive quality of a dwellinghouse was its ability to afford to those who used it the facilities for day-to-day private domestic existence. It may be that the nature of the accommodation and the facilities contained therein are such that the appeal property meets this 'test'. However, mindful of the onus that lies with the appellant, I am not satisfied that the evidence is sufficiently clear or unambiguous to demonstrate on the balance of probability that the use in question has continued actively throughout the relevant 4 year period.
9. For the reasons given above, I conclude that the Council's refusal to grant a certificate of lawful use or development in respect of a dwelling with integral garaging was well-founded and that the appeal should fail. I will exercise accordingly the powers transferred to me in section 195(3) of the 1990 Act as amended.
10. I have taken into account all the other matters raised. None, however, are sufficient to outweigh the considerations that have led me to my conclusions.

D H Brier

Inspector



Appeal Decision

Site visit made on 19 October 2017

by D Guiver LLB(Hons) Solicitor

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

Decision date: 20 November 2017

Appeal Ref: APP/Z4718/W/17/3179055

Land between 48 and 52 Greenhill Bank Road, New Mill, Holmfirth HD9 1ER

- 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 Mrs Pamela Taylor and Margaret Hayes against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/60/94074/W, dated 1 December 2016, was refused by notice dated 1 February 2017.
 - The development proposed is the erection of one dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is made in outline form with all detailed matters reserved for future approval.

Main Issues

3. The main issues are:
 - whether the proposal would be inappropriate development for the purposes of the National Planning Policy Framework (the Framework) and Development Plan Policy;
 - the effect of the proposal on the openness of the Green Belt, and on the character and appearance of the area; and
 - if found to 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 the development.

Reasons

Inappropriate Development

4. Paragraph 87 of the Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are exceptions to this general restriction and paragraph 89 provides, amongst other things, that the construction of new buildings should not be considered inappropriate development in the Green Belt if it comprises limited infilling in villages.

5. Greenhill Bank Road is a largely undeveloped stretch of road situated within the Green Belt and linking New Mill with the village of Totties to the south. To the east of the road, the land is largely open countryside. On the western side there are a few houses, either detached or in short terraces, with large open spaces between and open countryside behind.
6. The appeal site is a steeply sloping plot of land sitting between Nos 48 and 52 Greenhill Bank Road. No 48 sits to the north of the site and is at the end of a short terrace of three or so traditional stone-built cottages fronting the road. To the south, No 52 is the first of a small number of modern detached properties sitting in large plots.
7. Policy D13 of the Kirklees Unitary Development Plan 2007 (the UDP) states that infill development will normally be permitted within existing settlements in the Green Belt if the site is small, is largely surrounded by development or within an otherwise continuously built-up frontage, and it would not be detrimental to the living conditions of the occupiers of neighbouring land or to the character of the area.
8. In referencing 'settlements' rather than 'villages', the Policy differs from the language in paragraph 89 of the Framework. However, I disagree with the appellants that these terms are subjective, and given their ordinary meanings both implicitly require more than the mere presence of housing. A settlement is a community, like a village or a town. Outlying dwellings that are not clearly attached to the community I would consider to be outside a settlement. Policy D13 is consistent with paragraph 89 of the Framework and, for the purposes of this appeal, settlements should be treated as being synonymous with villages.
9. I take account of the appellants' family history with the appeal site and surrounding area. However, I consider the historical association with the land, where individual parcels were occupied by members of the same family for housing, demonstrates a deliberate distancing of the dwellings from the main built form of the nearby villages.
10. The houses on this part of Greenhill Bank Road are characteristic of *ad hoc* ribbon development constructed away from a settlement's main built form. In this case the open nature of the ribbon development relates more to the surrounding countryside than to the developed footprint of New Mills or the village of Totties, and is not part of either settlement. It follows, therefore, that the proposal does not comprise limited infilling in a village as described in the Framework and is neither part of a continuously developed frontage or surrounded by development.
11. I conclude that the appeal site is not within the exceptional category of a village infill for the purposes of paragraph 89 of the Framework and policy D13 of the UDP. Therefore the proposed scheme would be inappropriate development and thus harmful to the Green Belt. Pursuant to paragraph 88 of the Framework, I attach substantial weight to this harm.

Openness

12. Openness is one of the essential characteristics of the Green Belt and a number of factors are relevant to determining whether this openness is harmed, including the purpose of development, its duration and remediability. The likely visual impact arising from the proposed construction of a dwelling would also have an effect on openness.

13. The presence of buildings on either side of the site, the vehicular access for No 52 and the dry-stone wall do not alter the undeveloped nature of the majority of the site. The fact that a large portion of the surrounding area sits on the other side of a ridge does not separate it from the site when determining openness. It is the setting that defines the quality of openness rather than merely the conditions on the narrow confines of the site.
14. I have been referred to a previous appeal decision in respect of a proposed development of the site (APP/Z4718/W/15/3005427) where the Inspector found the scheme to be inappropriate development. This decision is a material consideration to which I attach significant weight and on the evidence before me I see no reason to disagree with the Inspector's conclusions.
15. Although the proposal is in outline and the design of any dwelling is a reserved matter, I consider that any building constructed on the site is likely to cause a significant reduction in the openness of the Green Belt in this location.
16. The proposal would also have an urbanising impact on the site by creating a developed connection between New Mill and Totties. This would be contrary to one the purposes of Green Belt identified in paragraph 80 of the Framework, namely to safeguard the countryside from encroachment.
17. Therefore, the proposed development would not be consistent with paragraph 89 of the Framework, or, insofar as it is relevant, accord with Policy D13 of the UDP.

Character and Appearance

18. The area surrounding the appeal site is rural in character. While there is some housing development along Greenhill Bank Road, it is not continuous and large gaps exist between properties. The proposed development would eradicate one such gap and would result in a more developed and less rural character to the area. I consider that such a development would be harmful to the character and appearance of the area. Therefore, for similar reasons to above, the proposal would not accord with Policy D13 of the UDP.

Other Considerations

19. The appellants referred to the addition of needed housing stock, which is a material consideration. However, the modest addition of a single unit is not sufficient to outweigh the harm to the Green Belt, and I give the matter very limited weight.
20. I therefore conclude that there is nothing in the evidence before me that amounts to very special circumstances that are required to enable me to grant planning permission. Despite the modest social and economic benefits that would accrue from the proposal, it would not accord with the environmental role of sustainable development because of the harm to the Green Belt.

Other Matters

21. The appellants have had the opportunity to comment on interested parties' representations and I have taken these into account and I have taken those comments into account in reaching my decision.

Conclusion

22. I have found that the proposal would be inappropriate development in the Green Belt; that it would lead to a significant loss of openness; and that it would

undermine one of the purposes of including land in the Green Belt. Moreover, it would cause harm to the character and appearance of the area. The other considerations do not clearly outweigh this harm, and the very special circumstances necessary to justify the development do not therefore exist. For the reasons given above, and taking into account all other matters, I therefore conclude that the appeal should be dismissed.

D Guiver

INSPECTOR

Appeal Decision

Site visit made on 21 November 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 28 November 2017

Appeal Ref: APP/Z4718/W/17/3183023

1 Oastler Avenue, Springwood, Huddersfield HD1 4EU

- 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 M Rafiq against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/90778/W, dated 6 March 2017, was refused by notice dated 5 May 2017.
 - The development proposed is the formation of a two bedroom detached dwelling.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of No 3 Oastler Avenue in respect of outlook.

Reasons

Site and proposal

3. The appeal site comprises a driveway and detached garage associated with No 1 Oastler Avenue which is a detached dwelling occupying a corner plot at the junction of Lynton Avenue with Oastler Avenue. It is proposed to erect a two bedroom detached house with access from Lynton Avenue and including two car parking spaces. The property would be built in reconstituted stone with a concrete tile roof and would be positioned between No 33 Lynton Avenue, which is a semi-detached house, and the host dwelling. The front wall of the proposed dwelling would be in line with the side elevation wall of No 1 Oastler Avenue and it would project forward of the front elevation building line of No 33 Lynton Avenue.

Character and appearance

4. The area is mainly characterised by semi-detached stone built dwellings which are positioned within spacious plots and where generally there is a regularity and rhythm of gaps between buildings. In Lynton Avenue such properties are very similar in terms of design and include similarly proportioned and aligned windows and imposing pitched roof front gables. The host property occupies a large corner plot and is detached. There is a greater sense of space around the

- host property. The house type and sense of space is essentially mirrored on the corner plot on the other side of Lynton Avenue.
5. The appeal property would be built in very close proximity to the boundaries of the proposed plot and would have a relatively small rear garden. The overall sense of space around the property would not reflect the prevailing pattern of development in the locality. The gap between the proposed dwelling and the host property would be particularly narrow and this would have the effect of significantly detracting from the regularity and rhythm of open gaps between buildings in Lynton Avenue.
 6. My above concerns are compounded by the fact that owing to the proposed three floors the window alignment and proportions would be materially at odds with those that exist in the rest of the street, and in particular those to the neighbouring dwelling at No 33 Lynton Avenue. Furthermore, the window in the pitched roof part of the front roof slope would appear contrived and discordant in the immediate environment.
 7. The host corner plot property is dominant in the street-scene and the semi-detached dwellings appear deliberately subservient given that they are set back further from Lynton Avenue and are smaller in scale. Whilst the front of the dwelling would align with the side elevation building line of No 1 Oastler Avenue, it would nonetheless be positioned forward of the front elevation building line of No 33 Lynton Avenue. Consequently, when travelling in an east-west direction the proposed dwelling would appear dominant and intrusive detracting from the very deliberate building line of semi-detached dwellings in Lynton Avenue.
 8. I acknowledge that the locality does include a small number of properties which have been constructed using brick and render. However, the predominant building material in this part of Lynton Avenue is natural stone. In order to ensure that the development assimilated well into the immediate environment, I agree with the Council that it would be necessary for the dwelling to be built in natural stone (including matching coursing). As it is proposed to construct the dwelling in reconstituted stone, this adds to my aforementioned concerns. There would be direct conflict with saved Policy BE11 of the Kirklees Unitary Development Plan 1999 (UDP) which states that in areas within which stone has been the predominant material of construction "*new development should be constructed in natural stone*".
 9. For the collective reasons outlined above, I conclude that the proposed dwelling would have a significantly detrimental impact upon the character and appearance of the area. Therefore, it would not accord with the design aims of saved Policies D2, BE1, BE2, BE11 and BE12 of the UDP and Chapter 7 of the National Planning Policy Framework (the Framework).

Living Conditions

10. The proposed dwelling would be positioned in close proximity to the rear/side boundary of the garden belonging to No 3 Oastler Avenue. I acknowledge that there is a single storey flat roofed garage which belongs to No 3 Oastler Avenue which is located along this boundary. However, the proposed dwelling would be two storeys in height and would be sited relatively closely to the common boundary. It would be much taller than the existing detached garage associated with the host property.

11. I note that obscure glazing to the first floor rear windows are proposed for the office and bathroom and hence there would not be a material loss of privacy for the occupiers of No 3 Oastler Avenue. However, owing to the position and height of the proposed dwelling, I consider that it would have a significantly overbearing and dominant impact when viewed from the rear garden of No 3 Oastler Avenue. Furthermore, this negative impact would be evident from the rear windows of No 3 Oastler Avenue albeit at an oblique angle.
12. For the collective reasons outlined above, I consider that in terms of outlook the proposal would have a significant detrimental impact upon the living conditions of the existing and future occupiers of No 3 Oastler Avenue. Therefore, the proposal would not accord with the amenity aims of saved Policies D2 and BE12 of the UDP and Chapter 7 of the Framework.

Other Matters

13. I note that the local planning authority cannot currently demonstrate a deliverable five year supply of housing sites. Consequently, the proposal would make a positive contribution towards the supply of houses in the Borough. However, the contribution from one dwelling would be relatively limited.
14. I acknowledge that the site is within close proximity of a number of day to day facilities and services and public transport provision. However, these are not matters which overcome my identified environmental concerns relating to the effect of the proposal upon the character and appearance of the area and the living conditions of the occupiers of No 3 Oastler Avenue.
15. I have taken into account representations made by the occupier of No 30 Lynton Avenue who comments that the proposal would lead to a loss of view and house value. The courts have held that the loss of a view or reduction in house values are not material planning considerations. In any event, I do not have any direct evidence that the proposal would have a material impact upon views or house values. Given the scale and position of the proposed development, I do not consider that it would lead to a material loss of privacy or light for the occupiers of No 30 Lynton Avenue. I do not have any objective evidence relating to subsidence or cracking to existing properties in the area. In any event, structural matters would need to be considered as part of the submission of a separate Building Regulations application. Proposed car parking arrangements would be acceptable.
16. None of the other matters raised outweigh or alter my conclusions on the main issues.

Conclusion

17. For the reasons outlined above, and taking into account all other matters raised, I conclude that the proposal would not deliver a sustainable form of development. Therefore, the appeal should be dismissed.

Daniel Hartley

INSPECTOR

Appeal Decisions

Site visit made on 31 October 2017

by I Radcliffe BSc(Hons) MRTPI MCIEH DMS

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

Decision date: 24 November 2017

Appeal A - Ref: APP/Z4718/W/17/3180494

Land at Old Lane / Taylor Lane, Scapegoat Hill, Huddersfield

- 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 the Yorkshire Baptist Association (Scapegoat Hill Baptist Chapel) against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/62/92476/W, dated 4 August 2015, was refused by notice dated 10 May 2017.
 - The development proposed is the erection of four detached dwellings.
-

Appeal B - Ref: APP/Z4718/W/17/3178805

Land at Old Lane / Taylor Lane, Scapegoat Hill, Huddersfield

- 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 Brierstone Limited against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/94061/W, dated 30 November 2016, was refused by notice dated 9 May 2017.
 - The development proposed is the erection of two dwellings.
-

Decisions

Appeal A

1. The appeal is allowed and planning permission is granted for the erection of three detached dwellings on land at Old Lane / Taylor Lane, Scapegoat Hill, Huddersfield in accordance with the terms of the application, Ref 2015/62/92476/W, dated 4 August 2015, subject to the conditions in the schedule at the end of this decision.

Appeal B

2. The appeal is allowed and planning permission is granted for the erection of two dwellings on land at Old Lane / Taylor Lane, Scapegoat Hill, Huddersfield in accordance with the terms of the application, Ref 2016/62/94061/W, dated 30 November 2016, subject to the conditions in the schedule at the end of this decision.

Procedural matters

3. In Appeal A, following submission of the application the scheme was amended reducing the number of proposed detached dwellings from four to three. I have dealt with the appeal on this basis.
4. As set out above, Appeals A and B relate to land at Old Lane / Taylor Lane. They materially differ only in that Appeal A also includes land on the northern

side of the existing grassed access road to the burial ground and is for three houses rather than two. I have considered each proposal on its individual merits. However, to avoid duplication I have dealt with the two schemes together, except where otherwise indicated.

Application for costs

5. In both appeals an application for costs was made by the appellant against Kirklees Metropolitan Borough Council. These applications will be the subject of separate Decisions.

Main Issues

Appeal A

6. The main issues in this appeal are;
 - the effect of the proposed development on the character and appearance of the area; and,
 - the effect of the proposed development on highway safety.

Appeal B

7. The main issue in this appeal is the effect of the proposed development on highway safety.

Reasons

Appeals A and B

8. The appeal site is located within the village of Scapegoat Hill. It lies next to the burial ground associated with the Scapegoat Hill Baptist Chapel. In both appeals the extent of the appeal site is small and the land is unallocated for development by the Kirklees Unitary Development Plan (UDP). The site comprises steeply sloping open grassland bounded by drystone walls with a few shrubs and trees towards its south eastern corner where a single domestic garage is located.
9. Policy D1 of the UDP protects valuable open land from development. The land in question is privately owned and does not provide opportunities for recreation or outdoor sport. The land is also not of significant ecological value. Therefore whilst its openness and greenness has some value in contributing to the character of Scapegoat Hill, this land does not constitute valuable open land that policy D1 of the UDP seeks to protect. As a result, the proposed schemes would not be contrary to this policy and development of the site would be acceptable in principle.

Appeal A

Character and appearance

10. Development in the vicinity of the appeal site is characterised by linear development along the lanes within the village, with some development in depth. Housing is a mixture of older mature houses and more recent stone built dwellings from the latter half of the twentieth century. The older housing is detached or terraced, traditionally designed with a narrow rectangular plan form set close to the highway. More recent housing is larger, detached and positioned on bigger plots set further back from the road.
11. In this context, in terms of the pattern of development and use of natural stone and slate, the houses proposed on plots 1 and 2 along the front of the site

would complement surrounding development. The houses respectively at four and three storeys in height would be taller than other houses in the area. However, as they would be set into the slope of this steep site they would not appear unduly large or prominent in public views. The varied features of each house would help to break up their mass and provide visual interest.

12. The proposed dwelling on plot 3 would be located on the highest part of the site which is to the rear. In public views from lower down in the village plot 3 is a gap between the row of houses that form the northern skyline. Although the proposed house would be set forward of the houses on either side it would be set down into the slope of the site. As a result, the proposed three storey dwelling would nestle between neighbouring dwellings and would not appear incongruous or unduly prominent. The two storey front gable to the house would be subservient and well proportioned. In addition, the parapets to the ends of the roof and clearly defined headers and cills to window openings are traditional features that would help detail and define the building.
13. Other than to create accesses to the houses the drystone walls would be kept and the leaning sections of the walls rebuilt. Taking all these matters into account, I therefore conclude that the proposed development would be well designed and would complement the character and appearance of the area. As a result, it would comply with policies D2, BE1 and BE2 of the UDP which require the protection of the character and appearance of a locality through high quality design that respects local design features. It would therefore also comply with section 7 of the National Planning Policy Framework ('the Framework') which requires good design.

Appeals A & B

Highway safety

14. Roads in Scapegoat Hill reflect the historic pattern of development in the area which has been heavily influenced by its steep topography. The appeal site is located by the crossroads of Old Lane and Taylor Lane. Grand Stand also joins Old Lane opposite the appeal site just before the junction. Whilst at its junction with Taylor Lane, Old Lane widens considerably along much of the front of the appeal site Old Lane is particularly steep, does not have a footway and is only wide enough to accommodate one vehicle. Taylor Lane, which passes along the remainder of the front of the appeal site, is less steep and is wide enough to allow two cars to pass, but also does not have a footway. As a result, drivers, other road users and pedestrians on both lanes share the same surface. In the last ten years though there have only been two minor accidents recorded in the vicinity of the appeal site. This is a low accident rate. Based upon the submitted highway evidence this appears to be due to the low levels of traffic and the need to drive slowly given the nature of the lanes.
15. Adequate on-site parking provision would be made for each of the proposed dwellings together with sufficient turning space so that vehicles would not need to reverse on to the highway. Suitable visibility splays for exiting vehicles would be provided to the houses on plots 1 and 2 on Old Lane. Similarly, in Appeal A, with the widening of the existing access track that serves plot 3 and the burial ground adequate visibility would be provided for exiting vehicles.
16. As part of the proposed schemes in the vicinity of the appeal site Old Lane and Taylor Lane would be widened respectively to 4.8m and 5m in width. This would be wide enough to allow vehicles such as a car and lorry, or other road users to safely pass by each other. In Appeal A, a passing bay would also be

created on the access track to plot 3 together with a turning head. As a result, the likelihood of a vehicle having to reverse out onto Old Lane because it meets another vehicle travelling in the opposite direction, or because it cannot easily turn, would effectively be avoided. Whilst no separate footway would be provided, traffic speeds are constrained by the steepness of the lanes. As a result, use of the lanes as a shared surface by pedestrians would not harm highway safety.

17. The question which therefore remains is whether the proposed development would intensify use of the adjacent lanes, which would remain narrow beyond the appeal site, to the extent that vehicles would be significantly more likely to come into conflict with each other and harm highway safety. It is to this matter that I now turn.
18. During the site visit Taylor Lane was closed due to road works. However, as part of highway evidence of the appellants at appeal stage a traffic survey has been carried out. Such surveys provide a more accurate assessment of traffic activity than can be gleaned from a site visit. During the morning peak hour (8am to 9am) 60 two way vehicle movements were recorded in the vicinity of the appeal site with only a small number using Old Lane. In terms of pedestrians, three used the junction of Taylor lane and Old Lane during this period. These findings are similar to a survey that has been carried out by a local resident at appeal stage.
19. The traffic that would be generated by the development in each appeal has been assessed by the appellant using TRICS¹ data which is a recognised data source. 85th percentile figures have also been used to provide a higher figure than the average. The three proposed dwellings in Appeal A would intensify use of the local highway network in the vicinity of the appeal site by 3 two way movements during the morning peak hour and by 3 two way movements in the afternoon peak hour. The two dwellings proposed in Appeal B would intensify vehicle use by 2 two way movements in each of the same hours. In addition, in each scheme during the morning peak hour a pedestrian and cyclist are likely to complete a two way movement, with a sole pedestrian likely to do so during the afternoon peak hour. These figures have not been challenged by the Council. The proposed developments in both appeals therefore would not result in significant levels of traffic using Old Lane or Taylor Lane.
20. Reference has been made to a planning application dismissed on appeal for a house at 9 Taylor Lane². However, the Inspector in that appeal did not find that the development would harm highway safety. As a result, this is a consideration of little weight against the proposed developments in the appeals before me and it has not altered my findings in relation to this issue.
21. Concerns have been expressed that widening the lanes would attract more on road parking, negating the benefit of widening. However, in my judgement, outside of evenings and weekends, when most people are likely to be at home, the extent of on road parking is unlikely to have this effect. Even if it did, if highway safety was compromised I agree with the appellant that if the highway authority thought it appropriate it could take steps to introduce parking restrictions.
22. For all of these reasons, I therefore conclude that the proposed development would not harm highway safety. As a result, it would comply with policies D2

¹ Trip Rate Information Computer System

² Ref APP/Z4718/W/15/3012823

and T10 of the UDP which seek to prevent such harm. As the highway improvements would significantly widen sections of the highway it would reduce the likelihood of conflict between road users in compliance with paragraph 35 of the Framework.

Other matters

Appeals A & B

23. The Council states that it has less than a 5 year housing land supply. The proposed developments in both appeals therefore would make a small contribution to helping address this shortfall.
24. The rear elevations of houses along Grand Stand face the front of the appeal site and are set below the level of Old Lane. The proposed houses on plots 1 and 2 would not be so near as to reduce levels of natural light entering the rear of the houses along Grand Stand or for them to be overbearing. The low number of vehicle movements generated by the proposed development would mean that light from the headlights of vehicles leaving the dwellings on plots 1 and 2 would not harm the living conditions within the houses along Grand Stand. Similarly, in the event that cars are parked on Old Lane once it is widened, the frequency with which cars park along the lane is unlikely to result in noise or vehicle emissions that would adversely affect living conditions.
25. With regard to noise, dust and dirt during construction, should problems occur the Council has statutory powers to abate any nuisance caused. Reference has been made to the sighting of bats and owls on the appeal sites. However, whilst such wildlife may forage on the appeal sites no substantive evidence has been brought to my attention that they reside there. The Council's ecology officer is satisfied that given the location of the appeal sites and the nature of its habitats the effects of development can be mitigated by condition and appropriate planting. I have no reason to disagree with that assessment.
26. The sites are not large and their steep slope means that rain water is likely to run off fairly quickly. Subject to the adequate drainage provision required by Building Regulations development of the sites is unlikely to increase rates of surface water drainage to the extent that the risk of flooding off site is materially increased.
27. Concerns have been raised regarding the structural stability of retaining walls next to the highway should the development go ahead. However, this is a matter that can be dealt with by the developer through appropriate design and construction which can be secured by condition.

Appeal A

28. In terms of living conditions, although the proposed house on plot 3 would be set forward of the houses on either side as it would be set into the slope it would be markedly lower in height than its neighbours. As a result, it would not unduly enclose the outlook from either dwelling. Subject to a condition requiring that all windows in the side elevations of the house on plot 3 are obscurely glazed no material overlooking would occur. Given the steep slope of the ground there would be no material overlooking between the dwelling in plot 3 and the houses on plot 1 and 2.

Appeal B

29. In relation to character and appearance, for the reasons that I have given earlier in relation to Appeal A, which proposes the same houses on plots 1 and

2 as in Appeal B, the proposed development would be well designed and complement the area.

Conclusions – Appeals A and B

30. I have found that the proposed developments would accord with the development plan as they would not involve the loss of valuable open space, they would complement the character and appearance of the area and highway safety would not be harmed.
31. The Council has less than a 5 year housing land supply. In such circumstances, the tilted balance in paragraph 14 of the Framework applies. I have not identified any material adverse impacts of the developments. The adverse impacts that would occur therefore would clearly fall considerably short of significantly and demonstrably outweighing the benefits that these well designed schemes would make to addressing the shortfall in housing that exists.
32. I therefore conclude that the appeals should be allowed. In reaching this decision the views of local residents and councillors have been taken into account.

Conditions common to both Appeals

33. In the interests of certainty, I have imposed a condition specifying the relevant drawings that the development is to be carried out in accordance with. In order to ensure that the development complements its surroundings further details on materials and landscaping are required. For the same reason the highway retaining walls need to be finished in local stone and a landscaped buffer created to separate the site from the neighbouring burial ground.
34. In the interests of highway safety during construction, arrangements for access and management of the site need to be made. In relation to highway safety more generally, suitable visibility splays need to be provided, road widening needs to occur, the gradient of access ramps needs to be controlled and details of highway retaining structures need to be provided. For the same reason areas for vehicle access, on-site parking (including garages) and turning need to be provided and retained.
35. To protect birds and enhance biodiversity, site clearance needs to be carried out at an appropriate time of year and an Ecological Design Strategy implemented. In the interests of minimising pollution, electric vehicle recharging points need to be provided.
36. I have required all these matters by condition, revising the conditions suggested by the Council where necessary to reflect the advice contained within Planning Practice Guidance.

Further conditions particular to Appeal A

37. In order to protect the living conditions of neighbours, windows within the side elevation of the house on plot 3 need to be obscurely glazed and permitted development rights allowing the creation of new openings, the extension of the house and outbuildings removed.
38. It was suggested that Class D permitted development rights that relate to porches on the proposed house on plot 3 should be removed. However, as such development would not harm the living conditions of neighbours this is unnecessary.

Ian Radcliffe

Inspector

Schedule – Appeal A

- 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 except as may be specified in the conditions attached to this permission, which shall in all cases take precedence: Site Location Plan ref SGH02/0715/01, Proposed site plan ref SGH02/0117/31, Plot 1 Basement and Ground ref SGH02/0716/14, Plot 1 First Floor and Roof Space ref SGH02/0716/15, Plot 1 Elevations 1 ref SGH02/0716/16, Plot 1 Elevations 2 ref SGH02/0716/17, Plot 2 Basement Plan ref SGH02/0716/18A revised, Plot 2 Ground and First floor plans ref SGH02/0716/19A revised, Plot 2 Elevations 1 ref SGH02/0716/20A revised, Plot 2 Elevations 2 ref SGH02/0716/21A revised, Plot 3 Basement Plan ref SGH02/0716/22A revised, Plot 3 Ground floor plan ref SGH02/0716/23, Plot 3 First floor plan ref SGH02/0716/24, Plot 3 Elevations 1 ref SGH02/0716/25, Plot 3 Elevations 2 ref SGH02/0716/26
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved details.
- 4) Prior to development commencing, a detailed scheme for the provision of a road widening scheme to Old Lane and Taylor Lane and all associated works as shown on indicative plan reference SGH02/0117/31 shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the Local Planning Authority all of the agreed works shall be implemented before any part of the development is first brought into use.
- 5) Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
- 6) Prior to the commencement of development the design and construction details of all temporary and permanent highway retaining structures, including any modifications to the existing highway retaining wall to Old Lane and Taylor Lane, shall be submitted to and approved in writing by the Local Planning Authority; such details shall incorporate a design statement, all necessary ground investigations on which design

assumptions are based, method statements for both temporary and permanent works and removal of any bulk excavations, structural calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The development shall be constructed in accordance with the approved details before the development is occupied and shall be retained as such thereafter.

- 7) No development shall take place until an Ecological Design Strategy (EDS) addressing impact avoidance measures for reptiles and biodiversity enhancement (including planting schemes) has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following;

- a. Purpose and conservation objectives for the proposed works;
- b. Review of site potential and constraints;
- c. Detailed design(s) and/or working method(s) achieve stated objectives;
- d. Extent and location/area of proposed works on appropriate scale maps and plans;
- e. Type and source of materials to be used where appropriate, e.g. native species of local provenance;
- f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development;
- g. Persons responsible for implementing the works;
- h. Details of initial aftercare and long-term maintenance;
- i. Details for monitoring and remedial measures;
- j. Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details pre, during and post construction.

- 8) Prior to first occupation of the dwellings hereby approved all areas indicated to be used for vehicular access, parking and turning on the approved plans shall have been laid out with a hardened and drained surface in accordance with the Department for Communities and Local Government and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or replaced by 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 with or without modification) these areas shall be so retained, free of obstructions and available for the use specified on the submitted plans.
- 9) Walls along both Old Lane and Taylor Lane to be repositioned shall be faced in local stone towards to the highway and completed prior to first occupation of the dwellings.

- 10) Notwithstanding details shown on drawing no. SGH02/0117/31, prior to the development being brought into use, sightlines of 2.4m x site frontage from Old Lane onto Taylor Lane and 2.4 x 43 metre sight lines from the driveways of plots 1, 2 and 3 onto Old Lane shall be cleared of all obstructions to visibility exceeding 1 m in height and these shall thereafter be retained free of any such obstruction.
- 11) An electric vehicle recharging point shall be installed within the garage serving each house in the development hereby approved or in a location accessible from the dedicated parking area to each house before first occupation of the dwelling. 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 32Amps. The electric vehicle charging points so installed shall thereafter be retained.
- 12) A scheme detailing soft landscaping, tree/shrub planting, to form a buffer from the adjacent graveyard shall be submitted to and approved in writing by the Local Planning Authority before the hereby approved dwellings are brought into use. The scheme shall include a timetable for the phasing of the landscaping and planting. The works comprising the approved scheme shall be implemented in accordance with the approved timetable and phasing.
- 13) The openings in the side elevations of dwelling on plot 3 at ground and first floor level to serve the lounge, family kitchen, master bedroom with associated dressing area and en-suite shall be obscurely glazed (minimum grade 4) before the dwelling is first brought into use. Thereafter notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 (or anything revoking or re-enacting that Act with or without modification) the obscure glazing shall be retained.
- 14) No removal of trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active bird's nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that appropriate measures can be put in place to protect any birds, their nests, eggs or young. Any such written confirmation shall be submitted to the Local Planning Authority before removal begins.
- 15) Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new openings other than those expressly authorised by this permission shall be constructed in the external walls of the dwelling on plot 3.
- 16) 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 with or without modification) no development included within Classes A, B, C or E of Part 1 of Schedule 2 to that Order shall be carried out to the dwelling on plot 3.
- 17) The maximum gradient of the access ramp to the car park areas of the development hereby permitted shall not exceed 1 in 8.

- 18) Notwithstanding the provisions of section 55(2)(a)(i) of the Town and Country Planning Act 1990 the garages serving the houses in the development hereby approved shall be used for the garaging of motor vehicles and shall not be converted to habitable accommodation.

Schedule - Appeal B

- 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 except as may be specified in the conditions attached to this permission, which shall in all cases take precedence: Proposed site plan ref SGH04/017/30B, Proposed street scene and site section ref SGH02/0716/31A revised, Plot 1 Elevations 1 ref SGH02/0716/16B, Plot 1 Elevations 2 ref SGH02/016/17A, Plot 1 Basement and Ground level as proposed ref SGH03/0716/14, Plot 1 First floor and roof space as proposed ref SGH03/0716/15, Plot 2 Elevations 1 ref SGH02/0716/20B revised, Plot 2 Elevations 2 ref SGH02/0716/21A revised, Plot 2 Basement Plan ref SGH02/0716/18B, Plot 2 Ground and first floor plans ref SGH02/0716/19B revised ,
- 3) No development shall take place until samples of all external facing materials have been submitted to and approved by the local planning authority in writing. Development shall be carried out in accordance with the approved details.
- 4) Prior to development commencing, a detailed scheme for the provision of a road widening scheme to Old Lane and Taylor Lane and all associated works as shown on indicative plan reference SGH04/017/30B shall be submitted to and approved in writing by the Local Planning Authority. The scheme shall include construction specifications, white lining, signing, surface finishes together with an independent Safety Audit covering all aspects of the work. Unless otherwise agreed in writing by the LPA, all of the agreed works shall be implemented before any part of the development is first brought into use.
- 5) Prior to construction commencing, a schedule of the means of access to the site for construction traffic shall be submitted to and approved in writing by the Local Planning Authority. The schedule shall include the point of access for construction traffic, details of the times of use of the access, the routing of construction traffic to and from the site, construction workers parking facilities and the provision, use and retention of adequate wheel washing facilities within the site. All construction arrangements shall be carried out in accordance with the approved schedule throughout the period of construction.
- 6) Prior to the commencement of development the design and construction details of all temporary and permanent highway retaining structures including any modifications to the existing highway retaining wall to Old Lane and Taylor Lane shall be submitted to and approved in writing by the Local Planning Authority; such details shall incorporate a design statement, all necessary ground investigations on which design assumptions are based, method statements for both temporary and permanent works and removal of any bulk excavations, structural

calculations and all associated safety measures for the protection of adjacent public highways, footpaths, culverts, adjoining land and areas of public access. The development shall be constructed in accordance with the approved details before the development is occupied and shall be retained as such thereafter.

- 7) No development shall take place until an Ecological Design Strategy (EDS) addressing impact avoidance measures for reptiles and biodiversity enhancement (including planting schemes) has been submitted to and approved in writing by the local planning authority.

The EDS shall include the following.

- a. Purpose and conservation objectives for the proposed works.
- b. Review of site potential and constraints.
- c. Detailed design(s) and/or working method(s) achieve stated objectives.
- d. Extent and location/area of proposed works on appropriate scale maps and plans.
- e. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
- f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
- g. Persons responsible for implementing the works.
- h. Details of initial aftercare and long-term maintenance.
- i. Details for monitoring and remedial measures.
- j. Details for disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details pre, during and post construction.

- 8) Prior to first occupation of the dwellings hereby approved all areas indicated to be used for vehicular access, parking and turning on the approved plans shall have been laid out with a hardened and drained surface in accordance with the Department of Communities and Local Government and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 as amended or replaced by 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 with or without modification) these areas shall be so retained, free of obstructions and available for the use specified on the submitted plans.
- 9) Walls along both Old Lane and Taylor Lane to be repositioned shall be faced in local stone towards the highway and completed prior to first occupation of both dwellings.
- 10) Notwithstanding details shown on drawing no. SGH04/017/30 B, prior to the development being brought into use, sightlines of 2.4m x site frontage from Old Lane onto Taylor Lane and 2.4 x 43 metre sight lines

from the driveways of plots 1 and 2 onto Old Lane shall be cleared of all obstructions to visibility exceeding 1 m in height and these shall be retained free of any such obstruction.

- 11) An electric vehicle recharging point shall be installed within the garage serving each house in the development hereby permitted or in a location readily accessible from the dedicated parking area to each house before first occupation of the dwelling. 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 32Amps. The electric vehicle charging points so installed shall thereafter be retained.
- 12) A scheme detailing soft landscaping, tree/shrub planting, to form a buffer from the adjacent graveyard shall be submitted to and approved in writing by the Local Planning Authority before the hereby approved dwellings are brought into use. The scheme shall include a timetable for the phasing of the landscaping and planting. The works comprising the approved scheme shall be implemented in accordance with the approved timetable and phasing.
- 13) No removal of trees, shrubs or brambles shall take place between 1st March and 31st August inclusive, unless a competent ecologist has undertaken a careful, detailed check of the vegetation for active bird's nests immediately before the vegetation is cleared and provided written confirmation that no birds will be harmed and/or that appropriate measures can be put in place to protect any birds, their nests, eggs or young. Any such written confirmation shall be submitted to the Local Planning Authority before removal begins.
- 14) The maximum gradient of the access ramp to the car park areas of the development hereby permitted shall not exceed 1 in 8.
- 15) Notwithstanding the provisions of section 55(2)(a)(i) of the Town and Country Planning Act 1990 the garages serving the houses in the development hereby approved shall be used for the garaging of motor vehicles and shall not be converted to habitable accommodation.

-----End of Conditions Schedules-----