
Appeal Decision

Site visit made on 31 October 2018

by Nigel Harrison BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th November 2018

Appeal Ref: APP/Z4718/D/18/3213907

522 Bradford Road, Birkenshaw, Bradford, BD19 4AY

- 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 Lysander Pollitt against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2018/62/91807/E dated 1 June 2018, was refused by notice dated 30 July 2018.
 - The development proposed is a rear and side extension.
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Decision

1. The appeal is allowed and planning permission is granted for a rear and side extension at 522 Bradford Road, Birkenshaw, Bradford, BD19 4AY in accordance with the terms of the application, Council Ref: 2018/62/91807/E, dated 1 June 2018, subject to the following 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: 2018_03_01 *Existing*; 2018_03_06; *Planning Drawing*; and 2018_03_07 *Site Plan*.
 - 3) The external surfaces of the development hereby permitted shall be constructed in the materials shown on plan No. 2018_03_08, and the facing stonework shall match as closely as possible that used on the existing dwelling.

Main Issue

2. I consider the one main issue in this case is the effect of the proposed development on the character and appearance of the host dwelling and the surrounding area.

Reasons

3. The appeal relates to a detached dwelling on the east side of Bradford Road within an established residential area. The property is very close to the M62 motorway which runs in a cutting to the south. The dwelling is constructed from coursed natural stone with a grey slate roof. In terms of the surrounding area there are detached houses constructed in the 1990s to both sides, and a development of dormer bungalows to the rear. The area is suburban in character, and although spaciouly laid out exhibits no strong prevailing character or especially local distinctiveness.

4. The proposal is for a part single/part two-storey-storey extension to the side and to the rear of the existing dwelling. The single-storey element would be closest to the neighbouring property No 2a Swincliffe Crescent, and would link into the two-storey 'wrap-around' extension across part of the rear and south elevations. The first-floor section would be stepped back from the outer walls of the ground floor section. The extension would be faced with vertical metal cladding in slate grey colour at first-floor level and with a predominantly stone construction to the ground-floor level to tie in with the existing building. The flat roofs would comprise flat ply membranes recessed behind low parapets. The existing lean-to single-storey extension at the rear would be incorporated into the scheme.
5. Saved Policies BE1, BE2 and BE13 of the *Kirklees Unitary Development Plan* (UDP) are relevant. Policy BE1 encourages a good quality of design which creates or retains a sense of local identity. Similarly, Policy BE2 says new development should be in keeping with its surroundings in terms of design, materials, scale, density, height and mass. Policy BE13 requires extensions to respect the design features of the existing property and adjacent features. The Council has also referred to Policy PLP 24 (Design) of the emerging Local Plan. However, as no copy has been supplied I cannot take it into account.
6. Whilst the Council has no objections to the principle of a modern extension, or indeed to the scale of the extension in general terms, it raises a number of issues which it considers would be harmful to the appearance of the building and area. In particular it says the mixture of materials, the set-back of the first floor element, and the lack of continuity of design detail between the ground and first floor, particularly in terms of the fenestration, would be visually 'jarring'.
7. However, it seems to me that the extension would have an entirely different character to the main dwelling, and would clearly read as being from the present day. Whilst I note the Council's concerns, I agree with the appellant in this instance that the contemporary design would serve to emphasise the traditional architectural quality and interest of the original dwelling, and would retain the visually important front elevation. Furthermore, the stone construction of most of the ground floor section would serve to 'tie' the styles together and maintains a link between the old and the new.
8. The Council also says the side elevation of the extension would be easily seen from Bradford Road and Manor Park Gardens and thus would appear incongruous in the street scene. Whilst the extension would be visible from public vantage points, it would be seen as a modern addition which is unmistakably 'of its time'. I do not find this to be necessarily harmful *per se*. Given that it would be subservient to the main dwelling in terms of scale and height, and having regard to the wide mix of dwelling types and materials in the vicinity, I am satisfied that it would not detract from the character and appearance of the surrounding area.
9. The revised *National Planning Policy Framework* (July 2018) encourages high quality design which reflects the identity of local surroundings and materials, whilst not preventing or discouraging appropriate innovation or change. Paragraph 131 says great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in an area, so long as they fit in with the overall form and layout of their surroundings.

10. In this case I am satisfied the proposed development represents an appropriate contemporary design solution that would not undermine the architectural integrity of the host dwellings and would respect the character and appearance of the area to which it relates. As such, I find no conflict with the thrust of saved UDP Policies BE1, BE2 and BE13 and National policy in the Framework.

Other Matters

11. The Council has raised no objections to the proposal in terms of its effect on the living conditions of occupiers of neighbouring properties. However, I have had regard to the points raised by the occupiers of No 2a Swincliffe Crescent, who are concerned that the extension would cause a loss of privacy in part of the rear garden and reduce sunlight levels and cause shading. Whilst I note these concerns, the proposed first floor element of the extension would be set back about 4m from the common boundary, and as such is unlikely to result in any materially harmful impact on sunlight and shading. Nor, in my view, would it be unacceptably overbearing. The absence of windows in this side elevation of the extension would ensure that privacy levels are maintained.
12. Reference has also been made to a bat roost on the property. However the site is not in a bat alert area, and as such there is no requirement to undertake a bat survey. Nonetheless, the onus lies with the appellant to ensure that legislation concerning bat protection is complied with.

Conditions

13. I have considered the conditions put forward by the Council in the light of the advice in the *Government's Planning Practice Guidance*. A condition to secure compliance with the submitted plans is also needed for the avoidance of doubt and in the interests of proper planning. A condition is needed in the interests of the character and appearance of the area requiring the materials to be as shown on the submitted plans is necessary, and for the stonework to match the existing as closely as possible.

Conclusion

14. 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



Appeal Decision

Site visit made on 14 August 2018

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 November 2018

Appeal Ref: APP/Z4718/W/18/3200768

Tangerine Confectionery Limited, Westgate, Cleckheaton BD19 5EB

- 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 Rob Overton (Tangerine Confectionery) against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/93222/E, dated 12 September 2017, was refused by notice dated 29 January 2018.
 - The development proposed is described as: 'installation of a sugar silo and associated concrete base to allow for an increased sugar storage capacity and free up deliveries/congestion on South Parade high way'.
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Decision

1. The appeal is allowed and planning permission is granted for the installation of a sugar silo and associated concrete base at Tangerine Confectionery Limited, Westgate, Cleckheaton BD19 5EB. Permission is granted in accordance with the terms of the application, Ref 2017/62/93222/E, dated 12 September 2017, subject to the conditions in the attached schedule.

Procedural Matters

2. The Council has confirmed that its decision was based on revised drawing PL-001 revision B, and that an earlier version of this drawing was listed as the 'Location Plan' on its decision notice in error. The Council has confirmed that interested parties were given further opportunity to comment on the revised drawing during the course of the application. I am therefore satisfied that no party would be prejudiced by my basing my decision on the revised drawing.
3. Reference has been made to apparent discrepancies between the submitted drawings and the Design and Access statement with regard to the height of the proposed silo. However, the Council has confirmed that this was resolved on the revised drawing, and I am satisfied that the information before me is sufficiently clear to allow me to understand and consider the proposal.
4. A number of further drawings and documents have been provided by the appellant as part of the appeal, which did not form part of the original application. These are:
 - Drawing SE-003. This is similar to the application drawing, showing two elevations of the proposed development, but also indicating on those elevations the position and height of existing trees between the proposed silo and the boundary with 10 Waltroyd Road.

- Statement of Case with regard to Landscape and Visual Amenity. This includes a Proposed Planting Plan drawing, CLE1803_PP01, which shows proposals for the planting of an evergreen hedge along the boundary between the site and 10 Waltroyd Road, and native whip planting below the canopies of the existing trees, close to this boundary.
 - Tree Maintenance Schedule and Tree Protection Drawing CLE1803_TP01. These detail measures to protect existing trees within the site during construction, and for the ongoing management and maintenance of existing trees and new planting once construction is complete.
5. The Council has had the opportunity to comment on these documents as part of the appeal process. At my request, the Council has also contacted interested parties to draw their attention to, and allow them further opportunity to comment on, these additional documents. These additional items do not materially alter the nature of the proposed development, but rather provide clarification with regard to existing planting, together with further measures aimed at mitigating the effects of the proposal. Therefore, and as all parties have had the opportunity to comment, I am satisfied that no party's interests would be prejudiced by my having regard to these additional documents.
6. The revised National Planning Policy Framework (the Framework) was published on 24 July 2018. I have given the main parties the opportunity to comment on this. No further comments have been received.

Main Issue

7. The main issue is the effect of the proposed development on the living conditions of the occupants of 10 Waltroyd Road, with regard to outlook.

Reasons

8. During my visit I viewed the site from 10 Waltroyd Road, and observed that this neighbouring property has conservatory and kitchen windows facing the appeal site, close to the boundary. Both of these neighbouring rooms have seating areas close to the windows which face the site.
9. The silo would exceed the height of the adjacent factory building by some way, and would be visible from No 10, above this existing building. However, it would be situated some distance from the boundary with No 10. This degree of separation, together with the silo's relatively narrow width, would serve to limit its presence and prominence in views from this neighbouring property.
10. Furthermore, I observed that the dense canopy of the tall existing trees within the site, between the proposed silo and No 10, provides screening and serves to limit views from No 10 towards the upper parts of the factory building at present. The trees were in leaf at the time of my visit. However, given the extent and size of their interwoven branches at canopy level, I consider that a degree of screening would also be provided by these trees during the winter months. Whilst glimpses of the silo would be possible through this existing vegetation, the trees would nonetheless further soften and minimise its presence when viewed from this neighbouring property.
11. The appellant has also proposed further planting, in the form of an evergreen hedge alongside the boundary with No 10, and additional planting below the canopies of the existing trees. This would provide a soft landscaped screen

which would fill the visual gap below the canopy and supplement the screening provided by the existing boundary wall and fence, without being of a height or density that would, in itself, appear oppressive when viewed from the neighbouring property.

12. On the basis of the details supplied by the appellant, I am satisfied that the existing planting would be satisfactorily protected during construction, and that this and the proposed planting would be appropriately managed thereafter, such that the screening provided by this landscaping would be maintained once the development is complete.
13. The appellant has also suggested that the silo be painted or coloured pastel green. The Council has identified the proposed colour as grey. In either event, the painting or coating of the silo in a matt colour would serve to further minimise its presence when viewed through the planting between the site and No 10, and could be secured by planning condition.
14. Therefore, having regard to its somewhat limited width, its distance from the boundary with No 10, and the degree of screening provided by the existing trees, which would be further enhanced by the additional planting proposed, the proposed silo would not appear overbearing or oppressive when viewed from this neighbouring property.
15. I therefore conclude that the proposed development would not have a significant adverse effect on the living conditions of the occupants of No 10 with regard to outlook. It would therefore not conflict with Policy D2 of the Kirklees Unitary Development Plan which, amongst other things, requires that proposals do not prejudice residential amenity.

Other matters

16. The silo would be slightly closer to neighbouring properties on Waltroyd Road than the factory's existing delivery bays. However, the silo would be accessible from the existing service yard, meaning that delivery vehicles would not need to be significantly closer to neighbouring properties than is the case at present. Furthermore, details provided by the appellant suggest that deliveries to the silo would not take place every day. I therefore consider that the development would not lead to a significant increase in the levels of noise, disturbance or fumes experienced by neighbouring residents, or adversely affect their ability to use their garden areas.
17. I note that the development would result in some additional delivery vehicle movements on Westgate, and I have had regard to concerns raised regarding existing traffic problems around the site. However, the development would allow deliveries to take place off-street within the existing service yard rather than on a narrow residential side street as they do currently. Furthermore, as the silo would increase sugar storage capacity on the site, the development would reduce the number of deliveries required, and thus the number of large delivery vehicle movements around the site overall. The Council has raised no objection with regard to highway safety and, for the reasons given above, I have no reason to conclude otherwise.
18. I note concerns raised regarding the implications of the development for the sale of a neighbouring property. However, such matters are essentially private, and do not alter my conclusions on the main issue above.

Conditions

19. I attach a condition specifying the approved plans, for certainty.
20. My finding that the development is acceptable is, in part, based on the screening provided by the existing trees and the additional proposed planting. I therefore attach conditions requiring tree protection during works, the approval and installation of the proposed landscaping, and the implementation of a programme of management and maintenance of the existing and proposed planting following completion. As tree protection measures must be installed before any other works are carried out, or machinery is brought onto the site, a pre-commencement condition is appropriate in relation to that matter. The appellant has provided written agreement to this.
21. I consider that the silo should be painted or coated a matt colour, to minimise its effect on the outlook from the neighbouring property, as described above. I therefore attach a condition requiring the agreement and implementation of an appropriate colour scheme.
22. I attach a condition requiring the investigation of ground conditions, and of any former mining activity, and the carrying out of such remediation as is necessary in this respect, to ensure the stability of the site.
23. For the reasons given above, I consider that deliveries associated with the silo would not lead to a significant increase in the levels of noise and disturbance for nearby residents, over and above those associated with the existing delivery yard. A condition restricting delivery hours to the silo, as suggested, is therefore not necessary.

Conclusion

24. For the reasons given above, and having regard to all matters raised, the appeal is allowed.

Jillian Rann
INSPECTOR

Conditions Schedule

- 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 and documents:
 - As Existing and Proposed – Sugar Silo drawing PL-001 revision B;
 - Tree Protection Drawing CLE1803_TP01;
 - Tree Maintenance Schedule document reference: CLE1803_TM_01 FINAL REPORT
 - Coal Mining Risk Assessment – Proposed Sugar Silo at Tangerine Confectionery Cleckheaton, prepared by RCA Construction.
- 3) No site clearance, preparatory work or development shall take place until measures for the protection of the retained trees have been installed in accordance with the details and specifications on drawing CLE1803_TP01 and in the Tree Maintenance Schedule reference CLE1803_TM_01 FINAL REPORT. Those measures shall remain in place for the full duration of the works. All works associated with the development hereby permitted shall also be carried out in full accordance with the Arboricultural Method Statement on drawing CLE1803_TP01.

In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars.
- 4) The silo shall not be installed on the site until details of its colour have been submitted to and approved in writing by the local planning authority. The silo shall be painted or coated in the colour thereby approved, and shall be retained in that colour for the lifetime of the development.
- 5) The silo shall not be brought into use until details of hedge and native whip planting between the silo and the boundary with properties on Waltroyd Road have been submitted to and approved in writing by the local planning authority.

The details shall reflect the proposals on drawing CLE1803_PP01 (Appendix 2 of the Statement of Case with regard to Landscape and Visual Amenity, produced by PGLA Landscape Architects and dated April 2018), and shall include planting plans; written specifications (including cultivation and other operations associated with plant establishment); schedules of plants noting species, plant supply sizes and proposed numbers/densities where appropriate. The details shall also include an implementation programme and timetable for the carrying out of the planting.

The planting shall be carried out in accordance with the details and timetable thereby approved.
- 6) The development shall be carried out in accordance with the recommendations in the Coal Mining Risk Assessment. Any remedial measures which are identified as being necessary following the proposed site investigation works shall be completed before the silo is brought into use.

- 7) Upon completion of the development, the retained trees (as defined in condition 3)), and any further planting which has been carried out in accordance with details approved under condition 4), shall be retained, maintained and managed in accordance with the Tree Maintenance Schedule, reference CLE1803_TM_01 FINAL REPORT, for the lifetime of the development.

Appeal Decision

Site visit made on 25 October 2018

by Julie Dale Clark BA (Hons) MCD DMS MRTPI

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

Decision date: 14th November 2018

Appeal Ref: APP/Z4718/D/18/3211071

Nordia, 98 Penistone Road, Kirkburton, Huddersfield HD8 0TA

- 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 N Mosley against the decision of Kirklees Metropolitan Council.
 - The application Ref 2018/62/91310/E, dated 12 April 2018, was refused by notice dated 18 June 2018.
 - The development proposed is proposed rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are:-
 - whether the proposed extension constitutes inappropriate development in the Green Belt and its effect on openness;
 - the effect on the character and appearance of the area in terms of its visual impact;
 - the effect on the living conditions of the occupiers of No 100 Penistone Road; and
 - whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to very special circumstances necessary to justify the development.

Reasons

Green Belt

3. The appeal site is a semi-detached house fronting Penistone Road (A629) with its rear boundary adjoining Thunder Bridge Lane. The proposed extension would mainly be visible from Thunder Bridge Lane.
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4. The site is within the Green Belt and the National Planning Policy Framework¹ explains that inappropriate development is, by definition, harmful to the Green Belt. The extension or alteration of a building is not considered inappropriate provided that it does not result in disproportionate additions over and above the size of the original building. UDP² Policy D11 indicates that extensions to buildings in the Green Belt will be considered having regard to the impact on the openness and character of the Green Belt; the size of the extension in relation to the existing building; and the effect on the character of the existing building.
5. The existing dwelling has not been previously extended but notwithstanding the figures stated by the appellant (35% increase in volume or a 40% increase in footprint), the proposal would extend the house up to the rear boundary with Thunder Bridge Lane. I consider that this would appear disproportionate and notwithstanding the verdant nature of the area, the extension would impact on the openness of the Green Belt. It would therefore conflict with the Framework and Policy D11. This carries substantial weight.

Character and Appearance

6. The extension would be most visible from Thunder Bridge Lane. The proposed two storey extension would have a lower ridge height than that of the existing dwelling and whilst the existing house has a gable roof the extension would have a hipped roof. Amongst other things, UDP Policy BE1 seeks to achieve good design that contributes to a built environment and BE13 requires extensions to dwellings to respect the design features of the existing house and adjacent buildings. I consider that the design and the prominent position of the extension would be out of character with the appearance of the dwelling and conflict with these policies. This adds weight against the proposal.

Living Conditions

7. UDP Policy BE14 sets out criteria which permits development unless it would have a detrimental effect on visual amenity or adjoining dwellings, amongst other things. The extension would be close to the boundary with the adjoining house, No 100 Penistone Road. There was a considerable amount of vegetation between the houses at the time of my site visit and it was difficult to fully assess the impact on the occupiers of the neighbouring house. However, due to the extent of the extension up to the boundary with Thunder Bridge Lane, it could have a detrimental impact on the living conditions of the occupiers of the No 100. This adds weight against the proposal.

Other Considerations

8. I have considered all matters raised but none overcome the substantial weight I have afforded to inappropriate development and the other harms I have identified, namely the impact on the character and appearance of the area and the potential impact on the living conditions of the occupiers of No 100 Penistone Road.

¹ Ministry of Housing, Communities & Local Government National Planning Policy Framework, July 2018 (the Framework).

² Kirklees Unitary Development Plan Written Statement – Revised with effect from 28 September 2007

Conclusion

9. The Framework makes it clear that inappropriate development should not be approved except in very special circumstances. Very special circumstances to justify inappropriate development will not exist unless the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other circumstances.
10. The harm caused by inappropriateness carries substantial weight and I have given additional weight to the issues of character and appearance and living conditions as detailed above. I have taken all matters raised into consideration but conclude that very special circumstances do not exist to clearly outweigh the harm caused by inappropriate development in the Green Belt and the other harms I have referred to. The proposal would conflict with the Framework and UDP policies BE1, BE13 and BE14 and therefore the appeal fails.

J D Clark

INSPECTOR

Appeal Decision

Site visit made on 25 October 2018

by Julie Dale Clark BA (Hons) MCD DMS MRTPI

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

Decision date: 14th November 2018

Appeal Ref: APP/Z4718/D/18/3210875

49 Old Lane, Birkenshaw, Bradford BD11 2LA

- 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 John Lazenby against the decision of Kirklees Metropolitan Council.
 - The application Ref 2018/62/92198/E, dated 6 July 2018, was refused by notice dated 3 September 2018.
 - The development proposed is two-storey side extension and lateral extension to existing dormer.
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Decision

1. The appeal is dismissed.

Main Issues

2. I consider that the main issues are the effect of the proposed extensions on (1) the character and appearance of the area; and (2) the living conditions of the occupiers of Nos 2 and 3 Amblesholme.

Reasons

Character and Appearance

3. The appeal site is a semi-detached dormer bungalow with a detached garage to the side. The garage would be demolished and a two-storey extension erected at the side. The existing front dormer window would be extended across the front of the dwelling. The Council's concerns do not include reference to the dormer window and I also am not unduly concerned about the dormer.
4. Amongst other things, UDP¹ Policy D2 indicates that planning permission will be granted for proposals that do not prejudice the character of the surroundings. UDP Policy BE1 seeks to achieve good design that contributes to a built environment; BE2 requires development to be designed so that it is keeping with any surrounding development; BE13 requires extensions to dwellings to respect the design features of the existing house and adjacent buildings; and

¹ Kirklees Unitary Development Plan Written Statement – Revised with effect from 28 September 2007

BE14 sets out criteria which permits development unless it would have a detrimental effect on visual amenity, amongst other things.

5. The existing dwelling is a modest sized bungalow and the proposed two storey extension would not be in keeping with its design or scale. Even with the existing and proposed dormer window the dwelling would still retain its bungalow character but the extension would add an obvious two storey element to the side which would be significantly at odds with the character and appearance of the bungalow. This would conflict with the policies referred to above. Therefore, I conclude on this issue that the proposal would have a harmful effect on the character and appearance of the area.

Living Conditions

6. Nos 2 and 3 Amblethorne are mid-terraced houses with a pedestrian footpath from Old Lane. An area of garden, to the front of Nos 2 and 3 adjoins the rear boundary of No 49 Old Lane which only has a small rear garden area. Whilst the extension would be close to the boundary, due to the orientation of No 49 I do not consider that there would be serious overshadowing. However, there are currently no upper floor windows in the rear elevation of No 49; the extension would include a first floor bedroom window that would overlook the adjoining garden areas. Whilst the gardens are overlooked by other properties, the proximity of the proposed extension to the boundary would create a greater sense of overlooking. I note the comments made about what could be built as permitted development but I have based my assessment on the scheme before me.
7. In addition to the above UDP Policy D2 seeks to ensure that development proposals do not prejudice residential amenity. Due to the proximity of the two storey extension to the rear boundary, it would conflict with this policy. Therefore, I conclude on this issue that the proposed two storey extension would have a harmful effect on the living conditions of the occupiers of Nos 2 and 3 Amblethorne.

Conclusion

8. I have taken all other matters into consideration including the National Planning Policy Framework² and Policy PLP 24 of the Draft Local Plan³. I also appreciate that the appellant has designed the extension to upgrade the property. I also note the reference to other extensions. I have taken all other matters raised into consideration but none alter my conclusion.
9. I conclude that the proposed two storey extension would have a harmful effect on the character and appearance of the area and on the living conditions of the occupiers of Nos 2 and 3 Amblethorne. It would conflict with the policies referred to and therefore the appeal fails.

J D Clark

INSPECTOR

² Ministry of Housing, Communities and Local Government National Planning Policy Framework, July 2018.

³ Kirklees Local Plan Submission Documents SD1 Kirklees Publication Draft Local Plan – Strategy and Policies.

Appeal Decision

Site visit made on 5 November 2018

by A Parkin BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 November 2018

Appeal Ref: APP/Z4718/D/18/3211578

20 Garden Street, Ravensthorpe, Dewsbury WF13 3AR

- 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 Mujaid Khan against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/62/91916/E, dated 12 June 2018, was refused by notice dated 9 August 2018.
 - The development proposed is new entrance lobby to front of house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the character and appearance of the area and on highway safety.

Reasons

Character and appearance

3. Garden Street is a residential street containing a mix of house types as well as some other uses, including a community centre and some areas of open space.
4. The eastern side of Garden Street, between Myrtle Road and Huddersfield Road, is mainly characterised by pavement-fronted, 2-storey, traditional terraced or linked dwellings, with steps to the front doorways, some of which have hand rails. The buildings are faced with rough stone blockwork, with red brickwork on the side elevations. These buildings share a generally common position relative to the street and the appeal building is typical of such buildings.
5. These buildings are not listed and are not located within a conservation area. Nevertheless, their generally uniform and largely unaltered appearance on this part of Garden Street is not unattractive.
6. The size and massing of the proposed porch would make it a visually prominent feature in the streetscene. The roof would rise above the height of the ground floor window lintels and it would be some 3 metres wide and project some 1.25 metres from the front elevation of the building.
7. Notwithstanding the proposed natural stone materials for the porch would match the stonework of the front elevation of the building, the design of the

proposed porch, with a doorway to the side and three small windows, would not relate well to the traditional appearance of the appeal building, or its neighbours on the eastern side of Garden Street. Furthermore, there are no porches along this eastern part of Garden Street, and the proposed development would therefore be an incongruous feature.

8. For the reasons set out above the proposed development would be harmful to the character and appearance of the appeal building and the wider area. It would therefore conflict with saved Policies D2 (general development requirements), BE1 (character and design), BE2 (design) and BE13 (extensions) of the Kirklees Unitary Development Plan 2007 (UDP), and with the National Planning Policy Framework 2018 (the Framework), in this regard. I also note that the proposal would conflict with emerging Policy PLP24 (design) of the Kirklees Publication Draft Local Plan 2016 (PDLP), however given the unadopted status of that document I afford this no more than very limited weight. Moreover, this does not alter my findings in respect of the conflict with the adopted development plan and the Framework.

Highway Safety

9. Whilst visiting the site I noted that there were no on-street parking restrictions on this stretch of Garden Street, and that a number of vehicles were parked on the eastern side of the road. A community centre is located a short distance to the north of the appeal building, which I understand generates high levels of pedestrian traffic at certain times.
10. The proposed development would project some 1.25 metres from the front elevation of the building for a distance of some 3 metres, with entrance steps to the doorway extending this distance further. This would significantly reduce the width of the footway at this location to around one metre.
11. The proposed development would therefore make it more difficult for people to use this stretch of footway, particularly at busy times when pedestrians may be moving in both directions. The proposed development would certainly make it much more difficult for wheelchair users or people pushing prams to use this stretch of footway; the remaining width of footway would not be sufficient for wheelchairs or prams to pass each other or another pedestrian in this location. The situation would be worsened should bins be left on the footpath for collection, which I understand happens here.
12. As a result, the proposed development would increase the likelihood of people walking onto the road and around parked vehicles, to the detriment of highway safety.
13. The appellant has referred to the narrower width of the footpath outside the community centre, and that a telephone exchange box narrows this further for a short distance. The appellant states that this has never caused problems for road users although no evidence has been produced to support this position. In any event, this existing arrangement is outside the scope of the appeal before me, which I have considered on its individual merits.
14. The Council refers to Manual for Streets guidance and states that a minimum width of 2 metres would be required to enable people in wheelchairs or pushing prams to use the footway. The appellant has referred to information on the Inclusive Design for Getting Outdoors website, and states that the minimum

footpath width for a wheelchair user would be one metre. Neither party has provided me with copies of the information that they draw upon, and I have not therefore had significant regard to either.

15. The appellant also states that there is another, wider footpath on the opposite side of Garden Street that pedestrians can use and which is used more because there are fewer obstructions to be found there. The width of the footpaths seemed similar from my observations on site, and no evidence has been provided to support the fact that one footpath is used more than another. This does not therefore, lead me to a different conclusion in relation to this appeal.
16. For the reasons set out above the proposed development would be harmful to highway safety and would therefore conflict with saved Policies D2, BE1, BE2 and T10 (highway safety) of the UDP, and with the Framework in this regard. I also note that the proposal would conflict with emerging Policies PLP21 (highway safety) and PLP24 of the PDLP, however given the unadopted status of that document I afford this no more than very limited weight. Moreover, this does not alter my findings in respect of the conflict with the adopted development plan and the Framework.

Other Matters

17. I note the points made by the Appellant in support of the proposed development, including the provision of further internal space distinct from the main dwelling; improved insulation of the property; and, making the property more easily accessible. However, these factors do not overcome the significant harm to character and appearance and highway safety identified above.
18. I also note the concerns that the appellant has expressed about the Council being prejudiced against the proposal. The suggestion of the Council that the application should have been withdrawn prior to determination has not affected my consideration of this appeal, which I have determined on the basis of the submitted evidence and on its individual merits.

Conclusion

19. For the reasons above I conclude, therefore, that the appeal should be dismissed.

Andrew Parkin

INSPECTOR