

Appeal Decision

Site visit made on 13 September 2016

by A A Phillips BA(Hons) DipTP MTP MRTPI

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

Decision date: 19 September 2016

Appeal Ref: APP/A4710/W/16/3153540
19 Hud Hill, Shelf, Halifax HX3 7LH

- 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 Ms Deborah Ashcroft against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 15/01405/FUL, dated 21 October 2015, was refused by notice dated 4 January 2016.
 - The development proposed is a new single storey bungalow to land at 19 Hud hill.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. the effect of the development on the character and appearance of the area; and
 - ii. whether the development would provide adequate living conditions for future occupants with particular reference to overlooking and outlook.

Reasons

Character and appearance

3. The appeal site comprises part of the rear garden of No 19 Hud Hill which is a semi-detached bungalow situated at the corner of the A644 Brighouse and Denholme Gate Road and Score Hill on the edge of the settlement of Shelf. It is within a Primary Housing Area according to Policy H2 of the Replacement Calderdale Unitary Development Plan As Amended (Adopted 25 August 2006) (UDP). Although it is the rear garden of No 19 it is particularly prominent as it is immediately adjacent to the A644.
 4. The existing house is part of a group of similar bungalows off Hud Hill, set back and separated from the A644 by landscaped gardens which slope upwards towards the properties' rear elevations. The open space between the properties and the main road makes an important contribution to the character of the area. Being a corner plot which is prominent from the north west on the approach towards the settlement with open fields to the north west on the opposite side of Score Hill, the existing open space formed by the landscaped
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gardens is particularly important to the setting of the nearby residential properties.

5. The proposed development would be situated significantly forward of the staggered building line formed by the rear of properties on Hud Hill. Therefore, it would have an uncomfortable relationship with existing built form in the vicinity and be at odds with the existing form and layout of development in the area. The proposed dwelling would be very conspicuous and visually obtrusive in the immediate vicinity and from the busy approach to Shelf.
6. As a consequence of its position forward of the existing building I conclude that the development would have a poor relationship with existing built form in the vicinity and would be harmful to the character and appearance of the area. Therefore, it would conflict with the environmental and design requirements of Policies H2, H9 and BE1 of the UDP and the National Planning Policy Framework (the Framework).

Living Conditions

7. The proposed dwelling would be situated approximately seven metres to the north east of the existing bungalow No 19 Hud Hill which has living room, kitchen and study windows which look directly towards the appeal site. No 19 is also situated on higher ground than the proposed dwelling. Although there would be no direct overlooking into the house due to there only being proposed a kitchen door in the elevation facing No 19, of significant concern is the degree of overlooking of the limited private amenity space.
8. At such proximity the relationship between the properties and resultant overlooking would have significant consequences to the level of privacy enjoyed by future occupants. Consequently the living conditions of future occupants would not be acceptable.
9. The proposal also includes the erection of new timber fencing very close to the new dwelling. Bedroom and living room windows would face directly towards the boundary fencing which would provide a very poor quality outlook for future occupants of the property. Given the very limited amenity space around the property the fencing would be overbearing and dominant to the detriment of the outlook from the proposed dwelling.
10. I have noted the concerns of the local planning authority with respect to the effect of the development on the living conditions of the occupants of existing nearby properties Nos 19 and 21 Hud Hill with particular reference to overlooking and light. However, having reviewed the reason for refusal it does not appear that these matters were determinative in this case.
11. On this matter I conclude that the development would have a harmful effect on the living conditions of future occupants with regard to overlooking and outlook. Therefore, it is contrary to the design and amenity requirements of Policies H2 and BE2 and Annex A of the UDP and the Framework.

Other matters

12. I have taken the neighbours' comments into account; however, the matters raised have not led me to any different conclusion in this case.

Conclusion

13. For the above reasons I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR