
Appeal Decision

Site visit made on 11 October 2016

by S D Harley BSc(Hons) MPhil MRTPI ARICS

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

Decision date: 19 October 2016

Appeal Ref: APP/A4710/D/16/3156735

235 Moor End Road, Halifax, W Yorks HX2 0RS

- 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 Richard Wood against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 16/00049/HSE, dated 12 January 2016, was refused by notice dated 15 March 2016.
 - The development proposed is granny flat and garages amended scheme to 15/01091.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area taking particular account of scale and design.

Reasons

3. The appeal site lies within a Primary Housing Area as defined in Policy H2 of the Replacement Calderdale Unitary Development Plan (the RCUDP) and the provision of residential accommodation is therefore acceptable in principle provided there are no unacceptable environmental or amenity effects. Policy BE1 of the RCUDP adds that development should have a high standard of design and respect the established character and appearance of existing buildings and surroundings and in these respects the development plan policies conform to those principles of the National Planning Policy Framework (the Framework) that seek good design that respects the character of the area.
 4. This section of Moor End Road is a wide through route. The nearby properties to the south side of Moor End and on Broadley Grove are of varied size, design and relationship to the highway but are generally set in spacious plots. The appeal property is of a "chalet bungalow" style with first floor accommodation in the roof space. It is at a slightly higher level than the road but the land behind and on the western side of the site is at a much higher level, with substantial retaining walls, including along part of the boundary adjoining the pavement. Properties on Broadley Grove are at a higher level again and roofs and windows of these can be seen above the appeal site.
 5. The proposed building would be sited close to the existing retaining wall to the rear of the site and part of the kitchen/dining room and new patio would extend over part of the existing retaining wall at the western end of the site. A
-

new section of retaining wall would be constructed beyond that. The proposed building would be much larger than the garage it would replace. Although set further back into the site, due to the width of the proposed building it would approximately align with the side wall of the host property, so that there would be little apparent gap between the two buildings as viewed from the roadside reducing the spacious appearance of the site and out of character with the prevailing urban grain. Moreover, the proposed building would be higher than the host building and would appear significantly more massive and overly dominant due to its overall width and the three gable roof features.

6. The existing wall alongside the pavement and the host property would limit some views of the proposed development. However the building would be prominent and obtrusive from the driveway, across part of the lower wall adjoining the pavement and from the footpath which adjoins the eastern boundary of the site. This would be the case whether or not the proposed development remained in the same ownership as the host property.
7. The proposed building would replace an existing garage and a stone building which the appellant considers would improve the appearance of the area. However, these are much smaller less prominent buildings and I give their removal limited weight in my considerations.
8. For the reasons set out above I conclude that the proposed development would seriously harm the established character and appearance of the surroundings in terms of scale, height, massing and design. Accordingly even with the use of sympathetic materials the proposed development would not amount to good design and would conflict with Policy BE1 of the RCUDP and those principles of the Framework that seek high quality design.

Other Matters

9. I understand that the proposed building has been re-positioned and reduced in size to try and overcome the reason for refusal of an earlier application Ref 15/01091/HSE. I also recognise the personal circumstances of the appellant and his family and accept that an additional unit of accommodation would be provided. However, none of these matters are sufficient to overcome the concerns I have identified above. Nor does the indication of support from neighbours or the possibility of some other form of development lead me to any different conclusion.
10. Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 imposes a general duty to have special regard to the desirability of preserving a Listed Building or its setting. There is a Listed Building at Broadley Laithe but this is some distance away on the opposite side of Moor End Road. Accordingly I conclude that the proposed development would have no adverse effect on the Listed Building or its setting.

Conclusion

11. For the reasons set out above, and taking into account all relevant matters raised, I conclude the appeal should not succeed.

SDHarley

INSPECTOR