
Appeal Decision

Site visit made on 25 October 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: 03 November 2016

Appeal Ref: APP/Z4718/W/16/3155010

Land Adjacent to 184A Cowlersley Lane, Cowlersley, Huddersfield HD4 5UT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Dylan Chapman against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/60/91503/W, dated 10 May 2016, was refused by notice dated 13 July 2016.
 - The development proposed is outline for the erection of one dwelling.
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Decision

1. The appeal is allowed and outline planning permission is granted for the erection of one dwelling at land adjacent to 184A Cowlersley Lane, Cowlersley, Huddersfield HD4 5UT in accordance with the terms of the application, Ref 2016/60/91503/W, dated 10 May 2016, subject to the following conditions:
 - 1) Details of the access, appearance, landscaping, layout, and scale, (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
 - 2) Application for approval of the reserved matters shall be made to the local planning authority not later than three years from the date of this permission.
 - 3) The development hereby permitted shall take place not later than two years from the date of approval of the last of the reserved matters to be approved.
 - 4) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan and Location Plan.
 - 5) The dwelling shall not be occupied until an area for vehicle parking and turning has been drained and surfaced in accordance with details that shall have first been submitted to and approved in writing by the local planning authority. That area shall thereafter be kept available at all times for the parking and turning of vehicles.
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Procedural Matter

2. The proposal is for outline planning permission with all matters reserved. I have noted that three alternative layouts have been submitted for illustrative purposes only. I have determined the appeal on that basis.

Main Issues

3. The main issue is the effect of the proposal on the character and appearance of the area.

Reasons

4. The appeal site is a plot of land which currently comprises part of the extended curtilage of 184A Cowlersley Lane. It is currently occupied by two large wooden, stone and rendered sheds/garages that have been used for commercial storage purposes in the past. The existing buildings are not attractive and detract from the overall appearance of the area. The remaining part of the site is hard standing with parking and outdoor storage areas.
5. The site is situated to the rear of a traditional terrace of two storey stone built pitched roof terraced properties set within small plots along Cowlersley Lane. Other residential properties in the vicinity of the appeal site are far more mixed and irregular in terms of their design, layout and character. The adjacent house 184A Cowlersley Lane is a converted former barn and workshop, next to which is a single storey property known as Westcliffe, which is set within a large garden. To the north east of the site are Folly Cottages, a group of listed two storey stone houses set within limited plots. An open area of land to the east of the site has planning permission for a nursing home.
6. Saved Policy D2 of the Kirklees Unitary Development Plan (UDP) states that development on sites such as this will be granted provided it does not prejudice the character of the surroundings, among other considerations. Saved Policies BE1 and BE2 of the UDP both relate to design and require that all development should be of good quality design that contributes to a visually attractive built environment and is in keeping with any surrounding development.
7. The Council is unable to demonstrate a five year housing land supply and therefore, according to Paragraph 49 of the National Planning Policy Framework (the Framework) relevant policies for the supply of housing are considered to be out of date. According to Paragraph 14 of the Framework proposals that accord with the development plan should be approved without delay.
8. The site is situated within a mixed residential area with a variety of types, ages and styles of property in different sized plots. No particular style is dominant and the proposal would be seen in the context of this mix.
9. Three illustrative options have been submitted which show how a house could fit onto the site. Owing to the size and location of the plot and relationship to the residential properties in its vicinity the development would be likely to differ from the adjacent formal row of traditional terraced houses and the more informal and sporadic form of development in the area. However, the principle of a dwelling on this site is acceptable given the predominant land use in the area, the size of the site and its surroundings. Although it is not a particularly large plot of land, I do not find it inevitable that a dwelling would necessarily be cramped, failing to respect or complement its surroundings.

10. Consequently, I do not find that the proposal would be an incongruous or uncharacteristic form of development. The details of the development will be established in terms of its overall response to its surroundings at reserved matters stage. The local planning authority will then be able to assess in detail whether the development plan's policies are met with respect to the effect of the development on the character of its surroundings.
11. I therefore conclude that the proposal would not be harmful to the character and appearance of the area. It therefore accords with the design and layout requirements of Policies D2, BE1 and BE2 of the UDP and the Framework.

Conditions

12. The Council has not suggested any conditions. I have attached conditions limiting the life of the planning permission and setting out the requirements for the reserved matters in accordance with the Act. I have specified the approved plans for certainty.
13. I have considered the comments of the Highways Development Management Team and have attached a conditions relating to details of vehicle parking and turning arrangements, including drainage and surfacing. However, I have no evidence or development plan basis for attaching a condition requiring details of storage and access for the collection of wastes from the premises.

Conclusion

14. For the above reasons and taking account of other matters raised I conclude that the appeal should be allowed.

Alastair Phillips

INSPECTOR