

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/16/3154981

Adjacent to No 2 Lightenfield Lane, Netherton, Huddersfield HD4 7WJ

- 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 R Burgin (NHBC Builder) of Field View Homes Yorks Ltd against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/91030/W, dated 28 March 2016, was refused by notice dated 10 June 2016.
 - The development proposed is one detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on
 - i. the character and appearance of the area; and
 - ii. the living conditions of the occupants of adjacent dwellings with particular reference to outlook.

Background

3. 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the National Planning Policy Framework (the Framework) relevant policies for the supply of housing are considered to be out of date.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, unless any adverse impacts would significantly and demonstrably outweigh the benefits.

Reasons

Character and appearance

4. The appeal site is a triangular plot of land situated off Lightenfield Lane within a predominantly residential area. Although the plot does have a positive role in presenting an open character of the prominent site on the approach to the nearby South Crosland Junior School car park and Netherton and South Crosland Conservative Club, it is currently in an overgrown and unkempt condition.
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5. The site slopes steeply and is at a lower level than the adjacent highway, yet at a higher level than the adjacent rear garden of 2 Lightenfield Lane and the rear of the adjacent bungalows on Noble Court. There is a variety of boundary treatments around the site, comprising mainly a low stone wall along Lightenfield Lane and low wooden fencing.
6. There is a variety of residential and other development in the vicinity of the site. No 2 Lightenfield Lane which lies immediately adjacent to the plot is a brick two storey pitched tiled roof detached house set within a reasonable plot, beyond which is the Conservative Club with its associated car parking area and bowling green. A bungalow development known as Noble Court is situated adjacent to the western boundary of the appeal site. Also in the immediate vicinity is a row of single storey pitched roof historic bungalows known as Cottage Homes. There are modern large detached properties on Coppice Drive and a large estate of mainly two storey terraced and mews type modern dual and mono-pitched houses off Coppice Drive.
7. The proposed two storey pitched roof house would be situated very close to the highway on the highest part of the site near to No 2. The openness of the site and its relationship with the surroundings are key factors in identifying the effect of the development on the character and appearance of the area. Given the sloping nature of the site the appellant has presented some contextual elevations showing how the property would relate to its immediate surroundings and the topography of the site. No detailed sections and existing and proposed levels have been submitted in support of the appeal.
8. Having observed the topography of the site during my site visit I do not consider the submitted drawings are conclusive in terms of accurately representing the relationship of the house to its immediate surroundings, including No 2, the adjacent highway and the rear of properties on Noble Court. From the evidence presented it is difficult to envisage how the property could be constructed on site as shown with eaves and ridge levels below those on No 2. Even if this could be achieved it seems that it could only be done with substantial excavation works and potentially retaining structures.
9. Nonetheless, the substantial property on the highest part of this prominent site situated adjacent to the highway would be particularly dominant in the street scene. Its awkward and uncharacteristic relationship with the highway would be at odds with other properties in the area and would constitute an incongruous development which fails to respect its surroundings.
10. The proposal would provide on-site parking and private garden space. The plot is larger than others in the area and is comparable to the adjacent house No 2. Given the wide range of properties and plot sizes in the vicinity I do not consider the scale of the development in relation to the plot size to be in itself harmful to the character and appearance of the area.
11. Although the property would have a relatively shallow pitched roof there is a great deal of variety on roof styles in the area. However, when combined with concerns with respect to the uncharacteristic relationship of the dwelling with its surroundings I consider that the roof form would add to the incongruity of the proposal.
12. On this issue I therefore conclude that the proposal would harm the character and appearance of the area. It would therefore conflict with the design

requirements of Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan (the UDP) and the National Planning Policy Framework (the Framework).

Living conditions

13. The proposed dwelling would comply with the requirements of Policy BE12 of the UDP with specific reference to minimum separation distances that will normally be applied. However, Policy D2 of the UDP is clear that residential amenity is an issue that should not be prejudiced by new development.
14. Of particular concern in this case is the relationship of the proposal to the bungalows on Noble Court and No 7, in particular. The bungalows which have habitable room windows facing directly towards the proposed dwelling would be at a significantly lower level than the two storey house and at close proximity. Given the topography of the site and the relationship between the bungalows and the proposed dwelling the circumstances cannot be described as those where the minimum separation distances should be rigidly applied. The proposal would be an overbearing and dominant feature and would be detrimental to the outlook from No 7.
15. Although I understand that no objection has been raised by the occupant of No7 I do not consider the lack of objection to be a reason to grant planning permission for a development that would harm the living conditions of local residents.
16. On this matter I therefore conclude that the proposal would harm the living conditions of the occupants of adjacent dwellings with particular reference to outlook. As such it would conflict with the amenity requirements of policy D2 of the UDP and the Framework.

Conclusion

17. In the absence of there being a five year supply of housing land the relevant policies for the supply of housing should not be considered to be up to date. However, in this case the adverse impacts of granting planning permission would significantly and demonstrably outweigh the limited benefits of the proposal.
18. For the above reasons and taking account of other matters I conclude that the appeal should be dismissed.

Alastair Phillips

INSPECTOR