The Planning Inspectorate

Appeal Decision

Site visit made on 25 October 2016

by Thomas Hatfield BA (Hons) MA MRTPI

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

Decision date: 11th November 2016

Appeal Ref: APP/Z4718/W/16/3156214
107 Carlinghow Hill, Upper Batley, Batley, WF17 0AG

- 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 Ahmed Variava against the decision of Kirklees Metropolitan Borough Council.
- The application Ref 2015/60/92971/E, dated 12 September 2015, was refused by notice dated 7 March 2016.
- The development proposed is a new detached dormer bungalow.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The application is in outline with all matters reserved for future consideration except for the means of access and the layout of the development. Drawings showing an indicative design of the building and landscaping were submitted with the application, and I have had regard to these in determining this appeal.

Main Issue

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

Reasons

4. The appeal site is located just outside of the Upper Batley Conservation Area, the boundary of which runs along Carlinghow Hill. The conservation area comprises the older parts and core of the village of Upper Batley. It is an example of a mid-to-late Victorian suburb, albeit superimposed on a much earlier settlement. The appeal site is located in an area characterised by large detached properties sat within generous plots. These properties are generally set back from the road, giving the area a spacious and open feel.

5. No 107 Carlinghow Hill is a large detached property that is centrally located within its plot. The dwelling's position reflects the staggered building line from west to east along Carlinghow Hill, and there is a significant amount of space between the property and the road. In contrast, the adjacent properties at Nos 109-113 have a more advanced building line closer to the road.

6. The proposed dwelling would be located right at the front of the site. It would be significantly in advance of both the host property, and any other building on

this side of Carlinghow Hill. It would not conform to any existing building line. The development would therefore appear unduly prominent in the street, and would be an incongruous feature. It would also interrupt the spacious and open feel on either side of Carlinghow Hill.

7. Moreover, the development would result in the creation of two dwellings within the same plot, which would be contrary to the grain of the street and the adjacent conservation area. The development would also detract from the attractive open setting at the front of the existing property.

8. Whilst the dwelling would be partially screened by existing boundary hedgerows, it would still be clearly visible from the road. It has been suggested that additional planting could be provided, although it is unlikely that the dwelling could be completely screened from view. In any event, additional planting would not mitigate the harm the development would cause to the grain and character of the area.

9. The appellant states that the new dwelling is intended to be occupied by family members, and would be retained in the same ownership. However, the application is for a new dwelling rather than an ancillary annexe. It would therefore be capable of being occupied separately of the main dwelling. In any event, this consideration would not have altered my view regarding the harm I have identified above.

10. For the above reasons, I conclude that the development would unacceptably harm the character and appearance of the area. It would therefore be contrary to saved Policies D2, BE1, and BE2 of the Kirklees Unitary Development Plan (UDP) (1999). It would also be at odds with the National Planning Policy Framework ('the Framework') which seeks to secure good design.

11. The Council also state that there would be conflict with saved Policy BE5 of the Kirklees UDP. However, this policy relates to development within conservation areas only. As the appeal site is located outside of the conservation area, Policy BE5 does not apply in this case. However, paragraph 132 of the Framework states that great weight should be given to the conservation of designated heritage assets (such as conservation areas), including to their setting. For the reasons set out above, I conclude that the development would be harmful to the setting of the conservation area, contrary to the expectations of paragraph 132 of the Framework.

12. The harm to the setting of the conservation area would be less than substantial in the context of paragraphs 133 and 134 of the Framework. Against this, the development would provide a public benefit in the form of a small contribution to the housing land supply position. However, this modest public benefit would be significantly and demonstrably outweighed by the harm the development would cause both to the character and appearance of the area and to the setting of the conservation area.

Conclusion

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

Thomas Hatfield

INSPECTOR