
Appeal Decision

Site visit made on 25 October 2016

by Beverley Wilders BA (Hons) PgDurt MRTPI

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

Decision date: 18 November 2016

Appeal Ref: APP/Z4718/W/16/3155645

Hollinroyd Road, Dewsbury, West Yorkshire WF12 9AH

- 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 Greenside Developments against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/62/93452/E, dated 28 October 2015, was refused by notice dated 24 December 2015.
 - The development proposed is residential development of 2 detached dwellings at land off Hollinroyd Road, Dewsbury WF12 9AH.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area including its effect on the Urban Greenspace, the Green Corridor and on protected trees and the woodland;
 - the biodiversity of the Habitat Network and Habitat of Principal Importance.

Reasons

Character and Appearance

3. The appeal site comprises a relatively large area of woodland located adjacent to Hollinroyd Road. The road is largely narrow and unmade where it adjoins the site and is a public footpath forming part of the Kirklees Way providing a pedestrian link between Hollinroyd Road and Sugar Lane. There is also a pedestrian track which cuts through the site linking the footpath to Sugar Lane. The immediate surrounding area is largely residential in character with a mixture of dwelling styles and materials. The appeal site is steeply sloping with dwellings on Pennine Road set at a much higher level than Hollinroyd Road and dwellings on William Street set at a slightly lower level than the road.
 4. Trees on the appeal site are protected by a Tree Preservation Order (TPO) and the site is designated as Urban Greenspace on the Kirklees Unitary Development Plan (UDP) and also forms part of a Green Corridor.
 5. The proposal to erect two detached dwellings on the site would result in the loss of a number of protected trees. No up to date tree information was
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submitted with either the application or appeal though a tree survey dated January 2007 accompanies the appeal and references a scheme for the construction of five units on the site. Though out of date the 2007 survey nevertheless confirms that the majority of trees on the site are native species and that they are highly visible from the public highway and form an important landscape feature.

6. Whilst I note the view of the author of the 2007 tree survey that the construction of a sympathetic small scale development would not adversely affect the overall amenity value of the site, I attach limited weight to the 2007 survey given its age and the fact that it refers to a different proposal. I also note reference to the fact that the proposed dwellings are to be located in area of the site where fewer trees have been established due to poor ground conditions and that woodland curtilages are proposed. However though I consider the design of the dwellings to be acceptable given their location relative to existing dwellings and given the lack of design consistency in the locality, I consider that the erection of the dwellings and the associated changes to Hollinroyd Road to enable vehicular access together with the proposed loss of trees would adversely affect the character and appearance of the area.
7. The proposal would introduce development into an undeveloped wooded area that would be visible from the adjacent footpath and would diminish the existing quality of the landscape feature. It would also introduce development into a designated Urban Greenspace and Green Corridor where UDP policies D3 and D6 require, amongst other things, development to protect visual amenity and quality. Additionally in Urban Greenspaces UDP Policy D3 states that any development proposed should be necessary for the continuation or enhancement of established uses, or involve a change of use to alternative open land uses, or would result in a specific community benefit. Whilst the proposal would involve improvements to the existing pedestrian track through the site, I do not consider that this community benefit or any tidying up or improved management of the woodland would outweigh the harm identified to character and appearance. In addition though I note that UDP Policy D6 does not preclude development, I consider that the scale of the proposal is such that it would have a significant adverse impact on the continuity of the Green Corridor.
8. Taking the above matters into consideration, I conclude that the proposal would have a significant adverse effect on the character and appearance of the area including its effect on the Urban Greenspace, the Green Corridor and on protected trees and the woodland. It is therefore contrary to UDP policies D3, D6, BE1, BE2 and NE9 and to relevant paragraphs of the National Planning Policy Framework (the Framework). These policies seek, amongst other things, to ensure that development retains a sense of local identity, protects Urban Greenspace and Green Corridors and normally retains any mature trees within the application site.

Biodiversity

9. The appeal site comprises woodland and I understand from the Council that lowland deciduous woodland is a Habitat of Principal Importance and that the site forms part of the districts Habitat Network.

10. No up to date ecological information was submitted with either the application or appeal though an Ecological Survey and Assessment dated January 2008 accompanies the appeal and references a previous scheme for development on the site. Whilst I note that the author of the 2008 survey considered that none of the habitats on site were of substantive ecological importance and that no evidence of protected species was found, I attach limited weight to the 2008 survey given its age and the fact that it refers to a different proposal. I also note that the site was considered to have the potential to support bats and breeding birds and that the appellant is willing to comply with the recommendations of the 2008 survey.
11. However having regard to the nature and scale of the proposal, the fact that it would involve the loss of existing trees and the lack of up to date ecological information regarding the site, I conclude that based on the available evidence the proposal is likely to result in an adverse impact on the biodiversity of the Habitat Network and Habitat of Principal Importance. It is therefore contrary to relevant paragraphs within Part 11 of the Framework. These policies seek to ensure, amongst other things, that development proposals conserve and enhance biodiversity.

Other Matters

12. From other appeals that I am determining elsewhere within the Council's area I am aware that the Council does not currently have a five year housing land supply. However irrespective of this, in terms of paragraph 49 of the Framework, policies D3, D6, BE1, BE2 and NE9 are not relevant policies for the supply of housing, they deal with more detailed matters including the potential impacts of development. In any event whilst I note that the appeal site is in a reasonably accessible location, I consider that the economic and social benefits of providing two dwellings is significantly and demonstrably outweighed by the harm that would result to the character and appearance of the area and to biodiversity.
13. In reaching my decision I have had regard to the fact that the appellant considers the proposal to be enabling development that would allow for improved management and public access to the woodland and that it is stated that this could be secured by planning conditions. I also note that the site is currently un-managed and that there is evidence of fly tipping and anti- social behaviour having taken place within it. Whilst I note that the scale of the proposal is reduced when compared to previous proposals for dwellings on the site and whilst I have had regard to the arguments put forward regarding enabling development, for the reasons stated I do not consider that the benefits of the proposal outweigh the harm identified.
14. Though I note the sustainable credentials of the dwellings proposed and the proposed use of renewable energy, I do not consider the proposal to be sustainable development.
15. I have some sympathy with the fact that the appellant was unable to access the Council's Officer Report in order to fully understand the Council's concerns regarding the proposal. However it has been made available during the appeal process and I note that following the determination of the application it appears that some discussions regarding the proposal took place between the appellant and the Council. In any event these matters do not affect my decision.

Conclusion

16. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR