
Appeal Decision

Site visit made on 23 November 2016

by S J Lee BA(Hons) MA MRTPI

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

Decision date: 29th November 2106

Appeal Ref: APP/Z4718/W/16/3157630

Shama Restaurant, 192 Leeds Road, Heckmondwike WF16 9BF

- 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 Shama Restaurant against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/91821/E, dated 23 May 2016, was refused by notice dated 14 July 2016.
 - The development proposed was originally described as "Retrospective erection of 3 no plastic trees".
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Decision

1. The appeal is dismissed.

Preliminary matter

2. There is no dispute that the development has been carried out, and I observed that work in accordance with the submitted plans was in place at the time of my visit. I have, therefore, considered the appeal as being against the refusal of retrospective planning permission.

Main Issue

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

Reasons

4. The appeal site comprises the customer car park of the 'Shama' restaurant. It is located on the corner of Leeds Road and White Lee Road, which forms part of a traffic light controlled crossroads. The site is bounded by a low stone wall. The restaurant is at the end of a long row of residential dwellings strung out along Leeds Road. Development fronting White Lee Road opposite the site and Houldsworth Avenue directly behind the car park are also residential in nature. The houses in the area are a mixture of redbrick and stone. On the opposite side of Leeds Road are a number of detached buildings which appear to relate primarily to agricultural activity and open fields. The area in general has a semi-rural village character.
 5. The 'trees' are not subtle features in the street scene. They are relatively tall, clearly plastic in construction and are of a bright vivid green colour. There is no pretence at all at being seen as a realistic facsimile of a palm tree or seeking to blend into the environment. This is perhaps to be expected in
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features which it would be reasonable to assume have been designed primarily to promote commercial activity. The materials used, their bright colour and the fact they light up are all characteristics designed to draw the eye. In this regard, they are successful.

6. However, whatever the purpose of the trees, any form of development must have proper regard to the character of the surrounding area. Leeds Road is a busy main road, but this does not alter the fact that the site is within a predominantly residential area in a semi-rural village environment. This is not a town centre location where there may be a predominance of illuminated signage and vibrant commercial activity. While there was some evidence of business uses further along Leeds Road, these are neither significant in scale or particularly close to the site. There are no other features of a similar nature in the area and thus the trees do not have a complementary visual relationship with any other built or natural element of the local environment.
7. As a result of their strident and striking colour and their overt artificial appearance, the trees are prominent features that create a jarring contrast with the nearby housing. As such, they are clearly incongruous and unsympathetic structures that are not appropriate in this location. The detrimental impact of the trees on local character is further exacerbated by the relatively open aspect of the car park and the position it takes up on a busy junction. While the presence of some houses around the junction provides limited screening in the lead up to the car park, once the site opens up, the trees are highly conspicuous both in terms of their overall prominence and incompatibility with the general character of the area.
8. While I did not observe the trees when they were illuminated, the photographic evidence provided by both the appellant and interested parties only adds to my view that they are unsympathetic and inappropriate additions to the local street scene. I find, therefore, that the development materially harms the character and appearance of the area. Accordingly, there is conflict with saved policies D2, BE1 and BE2 of the Unitary Development Plan¹ which seek, amongst other things, to ensure development is of a good standard of design, is visually attractive and does not prejudice the character of the surrounding area. I also find conflict with paragraphs 17 and 64 of the National Planning Policy Framework insofar as the development is of a poor design which would fail to take the opportunity to improve the character of the area.

Other matters

9. The appellant has suggested that the trees are required to provide additional lighting in the car park in the interests of the safety of their customers. The need for this has been disputed by the Council and interested parties. However, even if there were a need for additional lighting, there are alternative approaches that would not have such a negative impact on the character or appearance of the area. As such, this has carried little weight in my decision.

Conclusion

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

S J Lee INSPECTOR

¹ Kirklees Unitary Development Plan – Revised with effect from 28 September 2007 (Adopted 1 March 1999)