

Appeal Decision

Site visit made on 20 December 2016

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

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

Decision date: 6 January 2017

Appeal Ref: APP/Z4718/W/16/3158631

Land to the front of High Beeches, 585 Manchester Road, Linthwaite, Huddersfield, HD7 5QX

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Mr James Charlton against Kirklees Metropolitan Borough Council.
 - The application Ref 2015/62/94019/W, is dated 15 December 2015.
 - The development proposed is described as a pair of semi-detached houses to the frontage of 585 Manchester Road, Linthwaite.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling at Land to the front of High Beeches, 585 Manchester Road, Linthwaite, Huddersfield, HD7 5QX in accordance with the terms of the application, Ref 2015/62/94019/W, dated 15 December 2015, subject to the attached schedule of conditions.

Procedural Matters

2. During consideration of the application by the Council, the proposed development was amended by the appellant. This resulted in the proposed semi-detached dwellings being superseded by a proposed detached dwelling. I have therefore determined this appeal on the basis of that amendment with the proposed development being for the erection of a detached dwelling.

Main Issues

3. The main issues in the appeal are:
 - The effect of the proposed development on the character and appearance of the surrounding area.
 - The effect of the proposed development on highway safety.

Reasons

Character and appearance

4. The appeal site comprises an area of sloping land in the front of High Beeches that is predominantly grassed. It occupies a transition point in the character of the street scene on the eastern side of Manchester Road with stone built
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terraced properties immediately to the north east and bespoke designed detached and semi-detached properties to the south west that are set well back from the road with substantial intervening shrubs and trees. The western side of Manchester Road is occupied by a variety of commercial properties set at a lower level from the road.

5. The proposed development would involve the construction of a modest sized two storey detached dwelling constructed in stone with accommodation in the roof space. It would occupy the north eastern half of the site and as such would be sited close to the existing terraced block where the proposed front elevation would be positioned slightly forward of the front wall of this row of properties. The south western half of the site would be occupied by car parking and turning space. A substantial stone faced retaining wall would be constructed at the rear of the site to retain the access drive and garden of High Beeches.
6. The construction of a modest sized dwelling positioned close to the terrace block would have synergy with the urban form of development to the north east. Whilst there would be an un-doubtable change in the character and appearance of the site, the proposed dwelling would respect the scale, mass and materials of the adjacent terrace block. In addition, the site would retain its role as forming a transition between stone built properties positioned close to the road and more substantial bespoke properties set back from the road with intervening substantial planting. Consequently, I do not consider that this would cause unacceptable harm to the character and appearance of the area.
7. The Council suggest that the proposed design of the dwelling, and in particular the glazed doors with balcony at first floor level, would not reflect the simplistic design of the terraced block. However, given the position of the site in marking a transition in contrasting design styles in the locality, in my view, the proposed scale and mass of the dwelling and the use of stone is reflective of some of the character of the terraced block whilst also being reflective of the individual and varied design style of the properties to the south west. As such, the design also has a transitional visual appearance that would not markedly contrast with the character and appearance of existing development in the locality of an extent to cause any significant harm.
8. Taking the above matters into consideration, I conclude that the proposal would not significantly harm the character and appearance of its surroundings. It would not therefore conflict with Saved Policies BE1, BE2 and D2 of the Kirklees Unitary Development Plan (UDP). These policies, amongst other things, require that new development should be of a good quality design that is in keeping with surrounding development in terms of materials, design, scale, mass and density and does not prejudice the character of the surroundings.

Highway safety

9. The proposed development would introduce an additional access point on Manchester Road in close proximity to an existing access where two driveways converge. The Council indicate that the cumulative number of properties served by the existing access is five.
10. The horizontal alignment of Manchester Road in the vicinity of the proposed access is relatively straight. Consequently, there would be adequate visibility in both directions from the proposed access. The submitted plan No

HL/2015/01 Rev B shows achievable visibility splays of 2m x 70m. The Council suggest that sightlines of 2.4m x 70m should be provided. From my observations at my site visit I consider that the Council's suggested visibility splay can be accommodated and can be provided by the imposition of an appropriate planning condition, were I minded to allow the appeal.

11. Although the proposed access would be located close to the existing access, given the likely traffic that would be generated as a consequence of the proposed single dwelling I do not consider this would be of a level that would cause any demonstrable conflict with the use of existing access. I recognise that there may be occasions when both access points are in simultaneous use. However, the proximity of the accesses to each other would enable driver communication that would assist in managing any potential conflict.
12. In any event, there is nothing unusual in the relative configuration between the proposed and existing accesses to suggest that this arrangement is unique or would give rise to unfamiliar circumstances that would demonstrably compromise highway safety. In addition, given the attainable visibility from both the existing and proposed access, I do not consider that any simultaneous use of the respective access points would unacceptably impede visibility.
13. I agree with the Council that there is adequate space within the proposed site to accommodate the required level of car parking but the internal layout of the parking and turning area could be improved to enable vehicles to manoeuvre within the site and avoid reversing movements on to the road. An appropriate layout of the proposed parking and manoeuvring area can also be secured by means of an appropriate planning condition, were I minded to allow the appeal.
14. Taking the above factors into account, I do not consider that the proposed development would cause any demonstrable harm to highway safety. Consequently, there would be no conflict with Saved Policies T10 or D2 of the UDP. These policies, amongst other things, require that new development does not prejudice highway safety.

Other matters

15. I have taken into account the concerns of some residents that the proposed development may interrupt the subsurface drainage regime of the locality as a consequence of the excavations that would be necessary to the existing sloping site. However, I have no evidence that this would be the case and nor has the Council raised any concerns regarding such matters. Consequently, I have attached minimal weight to these concerns.
16. My attention has also been drawn to the proximity of the proposed development to the side windows of the upper floor of No 581 Manchester Road. However, I agree with the Council that there would be a reasonable degree of separation between these windows and the side elevation of the proposed dwelling and whilst there would be some reduction in light and outlook, this would not be of an extent to cause any significant harm to the living conditions of the occupants of No 581.

Conditions

17. The Council has suggested a number of planning conditions which I have considered against the advice given in paragraph 206 of the Framework and the guidance contained in the section on 'Use of Planning Conditions' in the

government's Planning Practice Guidance. As a result, I have amended some of them for clarity and eliminated some elements of them for the reasons set out below.

18. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. In order to protect the character and appearance of the area, I have also imposed conditions concerning the external materials to be used in the form a sample panel and details of an artificial roofing slate to be submitted for approval by the Council.
19. Also, in order to protect the character and appearance of the area, I agree that a condition is necessary concerning the details of boundary treatment. In the interests of highway safety I have attached conditions concerning the submission of the design details of the access, parking and turning areas and a requirement for these areas to be retained, free of obstructions and available for access and parking. I have also attached a condition requiring that the proposed sightlines of 2.4m x 70m should be provided.
20. The Council has also suggested a condition requiring the provision of a sparrow terrace nest box. Whilst I understand the desire for the provision of such nest box I have no evidence to suggest that there are any planning reasons its provision or how the suggested condition reasonably relates to the development proposed. Consequently, I have deleted the suggested condition.

Conclusion

21. For the above reasons, and taking into account all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR

CONDITIONS SCHEDULE

1. The development hereby permitted shall be begun within 3 years from the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; HBL/2015/01 Rev B – Site Layout; HBL/2015/02 Rev B – Proposed Floor Plans; HBL/2015/ 03 Rev B – Elevations Part 1; HBL/2015/04 Rev B – Site Section; HBL/2015/05 - Elevations Sheet 2.
3. No development involving the construction of the dwelling shall take place until a sample panel of the materials to be used in the construction of the external surfaces shall has been prepared on site for inspection and approved in writing by the local planning authority. The sample panel shall be at least 1 metre x 1 metre and show the proposed material, bond, pointing technique and palette of materials (including roofing, cladding and render) to be used in the development. The development shall be constructed in accordance with the approved sample and shall be thereafter retained as such.
4. Notwithstanding the submitted details, the proposed roofing material shall comprise of an artificial slate tile, the details of which shall be submitted to and approved in writing by the local planning authority before works to construct the roof of the dwellings commences. The dwelling shall be constructed of the approved material and thereafter retained as such.
5. Notwithstanding the submitted details, details of the boundary treatment of the site shall be submitted to and approved in writing by the local planning authority before the dwelling is first occupied. The boundary treatment so approved shall be provided before first occupation and thereafter retained as such.
6. Notwithstanding the submitted details, revised details of the parking and turning areas shall be submitted to and approved in writing by the local planning authority before the dwelling is first occupied and the development shall be constructed in accordance with the approved details.
7. The development shall not be brought into use until all areas indicated to be used for access, parking and turning, approved pursuant to the requirements of condition No 6 above, have been laid out with a hardened and drained surface in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order) this area shall be so retained, free of obstructions and available for access and parking thereafter.
8. The development shall not commence until sightlines of 2.4m x 70m have been provided from the access in both directions and these shall be kept free of any obstruction to visibility exceeding 1.0m in height thereafter.