

Appeal Decision

Site visit made on 13 December 2016

by Roy Merrett BSc(Hons) DipTP MRTPI

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

Decision date: 20 January 2017

Appeal Ref: APP/Z4718/W/16/3155496

Craig Heath, 7 Beaumont Park Road, Beaumont Park, Huddersfield

HD4 5JT

- 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 & Mrs Frost against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2015/60/93253/W, dated 9 October 2015, was refused by notice dated 1 July 2016.
 - The development proposed is the demolition of existing bungalow and erection of two dwellings with integral garages.
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Decision

1. The appeal is allowed and outline planning permission is granted for the demolition of existing bungalow and erection of two dwellings with integral garages at Craig Heath, 7 Beaumont Park Road, Beaumont Park, Huddersfield HD4 5JT in accordance with application Ref 2015/60/93253/W, dated 9 October 2015 and subject to the conditions in the schedule below.

Procedural Matters

2. The application is made in outline with details of access and layout submitted for consideration at this stage.
3. The appeal site lies within the Green Belt. However, the Council is content that the proposal would accord with Saved Policy D13 of the Kirklees Unitary Development Plan 2007 (UDP) and relevant provisions in the National Planning Policy Framework such that the development would not amount to inappropriate development within the Green Belt. Based on the information before me, I have no reason to take a different view.
4. Concern was raised following the public consultation exercise regarding a discrepancy between plans. The Council confirmed that this was rectified by the submission of an amended location plan.

Main Issues

5. The main issues are i) the effect of the development on the character and appearance of the area and ii) whether future occupiers would be provided with acceptable living conditions having particular regard to external amenity space.
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Reasons

Character and Appearance

6. Beaumont Park Road is characterised by mainly two storey dwellings, generally set within spacious plots along a verdant sloping lane. The appeal site is located on the more sparsely developed side of the road, with many of the buildings separated by generous gaps.
7. Whilst the proposed dwellings would be spaced quite close to one another, the tightness of this relationship would be mitigated by the pronounced stagger in the forward building line which would also serve to retain a sense of spaciousness at the front of the plot. In addition a significant gap would be retained between the nearest dwelling and the western side boundary. I do not therefore concur with the Council that the development would appear cramped within the plot. Although a large area at the front of the site would be used as vehicle parking and turning space, the presence of nearby existing mature tree cover would help to soften its visual impact.
8. Accordingly I conclude that the proposal could be satisfactorily assimilated into the street scene and would not result in harm to the character and appearance of the area. It would not therefore conflict with Saved Policies BE1 and D13 of the UDP insofar as they seek to promote good design that in particular, retains a sense of local identity and protects the character of the surrounding area.

Living Conditions

9. In terms of amenity space available to future occupiers of the dwellings proposed, the rear garden areas shown would be relatively shallow due to the constraint of a steeply sloping embankment beyond. However, the garden widths would be generous with more substantial space available to the side of the western plot, albeit that this is likely to be at a raised level in the interests of tree protection. In addition, the plots would incorporate raised patio areas.
10. The rear garden and patio areas would retain an open south facing aspect and would be large enough not to be unduly compromised as a result of shading from tall mature trees which, though nearby, are substantially confined to the periphery of the site. I am satisfied that although the depth of the proposed garden areas may not comply with Saved Policy BE12 of the UDP, sufficient useable space would, nevertheless, be available for future occupiers who would be provided with satisfactory living conditions in this regard. Moreover, the presence of the embankment and abrupt change in levels to the rear means that this would not result in any detriment to occupiers of adjacent premises either. The Council notes that, as the adjacent trees grow over time, they may overhang the dwellings leading to pressure for their removal. However any such issue in relation to protected trees would need to be considered on its merits at the time.
11. I therefore conclude, on this issue, that the proposed development would incorporate satisfactory amenity space for residents and would not conflict with Saved Policy BE12 of the UDP which seeks to protect the living conditions of residents.

Other Matters

12. I have a duty under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to consider the effect of the proposal on the setting of the nearby No 72 Hanson Lane which is a Grade II listed building. This property is a two storey stone building set back behind a substantial stone wall. It seems to me that the special interest of this building derives from its age, form and appearance. The elements of setting that contribute to its significance include its relationship with the street and its immediate plot. The appeal site is substantially separated from this plot and due to intervening buildings there is little if any inter-visibility between the two sites. In that context, I consider that the appeal site contributes little, if anything, to the significance of the building or its setting and there would be no harm in this regard.
13. Whilst the existing building has the potential to be used by crevice dwelling bats, the Council acknowledges that the appellants' bat survey revealed no visible signs of bat occupation. Based on the information before me, I have no reason to suppose that the site is currently being used by roosting bats. In the event that bats are discovered during the course of development, protection would be secured through the requirement for the developer to obtain a European Protected Species License.

Conditions

14. I have considered the conditions suggested by the Council. Conditions requiring the submission of outstanding reserved matters, time limits for commencement of the scheme, compliance with approved plans and the protection of retained trees are required to protect the character and appearance of the area and to secure a satisfactory form of development. Conditions controlling the surfacing and protection of vehicle parking and turning areas, entrance gate details and protection of visibility splays are required in the interests of highway safety and satisfactory drainage.
15. I am satisfied that a condition is required to control the development of extensions and curtilage buildings within the properties to protect the openness of the Green Belt. However with this in place a separate condition would not be required to control the extent of curtilages. A condition regarding finished floor levels is required to ensure the living conditions of existing residents and the character and appearance of the area is protected. A condition requiring the provision of electric vehicle charging points is required in order to promote sustainable travel. A condition requiring adherence to the recommendations in the relevant bat survey would not be required for the reasons set out above.
16. I have made alterations to the wording of some of the suggested conditions for clarification and to ensure they meet the tests for conditions as specified in Planning Practice Guidance.

Conclusion

17. For the aforementioned reasons, and having had regard to all other matters raised, I conclude that the appeal should succeed and outline planning permission be granted.

Roy Merrett

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) Details of the appearance, landscaping, and scale , (hereinafter called "the reserved matters") shall be submitted to and approved in writing by the local planning authority before any development takes place and the development shall be carried out as approved.
- 2) Application for approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission.
- 3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved.
- 4) The development hereby permitted shall be carried out in accordance with the following approved plan: Drawing No 02 – Proposed Site Plan but only insofar as it relates to matters of access and layout (this excludes the sections shown which are for illustrative purposes only).
- 5) The development shall not be occupied until space has been laid out within the site in accordance with the approved Drawing No 02 – Proposed Site Plan to enable vehicles to park and turn within the site. The areas shown on the approved plan for parking spaces, turning areas and access shall be kept available for their intended purposes at all times.
- 6) Prior to installation details of the surface material for parking and turning areas and any proposed gates or barriers relating to the vehicular access to the site shall be submitted to and approved in writing by the Local Planning Authority.
- 7) The dwellings shall not be occupied until sightlines of 2m x 43m along the site frontage have been cleared of all obstructions to visibility exceeding 1m in height above the level of the adjacent carriageway and shall be retained free of any such obstruction thereafter.
- 8) No site clearance, preparatory work or development shall take place until a scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall have been submitted to and approved in writing by the Local Planning Authority. The scheme for the

protection of the retained trees shall be carried out as approved.

- 9) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, lighting of fires or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved tree protection plan. The level of the land within the fenced areas shall not be altered without the prior written consent of the Local Planning Authority.
- 10) Before the superstructure of the dwellings commences detailed plans indicating existing site and proposed site, building and finished floor levels shall be submitted to and approved in writing by the Local Planning Authority. Thereafter the development shall be undertaken in complete accordance with the details so approved.
- 11) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any Order revoking and re-enacting that Order with or without modification) no extensions or outbuildings included within Classes A, B, C, D or E of Part 1 of Schedule 2 to that Order shall be developed.
- 12) An electric vehicle recharging point shall be installed within the garages or in a location accessible from the dedicated parking areas of the site before first occupation of the dwellings. The cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging points so installed shall thereafter be retained.