
Appeal Decision

Site visit made on 21 March 2017

by Daniel Hartley BA Hons MTP MBA MRTPI

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

Decision date: 31 March 2017

Appeal Ref: APP/Z4718/W/16/3165564

Land off Broomfield Road, Fixby, Huddersfield HD2 2HQ

- 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 Space Architecture and Design Limited against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/91515/W, dated 6 May 2016, was refused by notice dated 31 October 2016.
 - The development proposed is the erection of three houses.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal upon the character and appearance of the area.

Reasons

3. The appeal site comprises a triangular area of mainly grass land and part of a private access drive (formerly a tramway) which leads to a detached residence known as Jilley Royd. The site is surrounded by residential development on two sides and immediately to the east of the access drive is ancient woodland. Access to the site is from Broomfield Road and the access drive is lined with trees.
 4. It is proposed to erect three detached dwellings on the site which would be parallel with the detached dwellings on Saint Francis Gardens and with the front elevation of each of the properties, including private driveways, fronting the access drive. The dwellings would each have a front and rear garden and would be built in sandstone with blue slate roofs.
 5. The site includes a long planning history. An appeal for two dwellings on the site was determined on 8 January 2013. In dismissing the appeal the Inspector commented that *"the site was considered to be a greenfield site within a built up area in the 2003 appeal decision relating to the site. I find no reasons to depart from that view now"*. The appellant considers that the site is previously developed as the access drive was once a tramway and as there is *"anecdotal evidence"* that the part of the appeal site where houses are proposed was used as a *"tram turning area"*. Whilst the access drive is developed, and the plans do indicate a previous use as a tramway, I consider
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that even if the main part of the site was historically developed it is now essentially a grassed area. Therefore, the remains of any permanent structure or fixed surface structure have essentially now blended into the landscape in the process of time. Consequently, and having regard to the definition of "previously developed land" in the glossary to the National Planning Policy Framework (the Framework), I consider that the main part of the appeal site is greenfield.

6. In considering the above appeal the Inspector also commented that "*there is a clear change in the character of the area from the relatively built-up linear form of residential development along surrounding roads, to the more natural wooded appearance of the land along the access beyond the boundaries of rear gardens.....There are no active frontages to properties along the site and access. Instead private rear gardens abut the appeal site and access*". I do not disagree with the comments made by the Inspector in terms of the character and appearance of the appeal site. The appeal site, along with the ancient woodland to the east, provides a relatively green, spacious and undeveloped soft edge to the otherwise built up residential areas to the south and west. This adds distinctive character to the locality.
7. Notwithstanding the above, I note that since the above appeal was determined planning permission has been approved (Ref 2014/62/93699/W) for the erection of one detached dwelling on the appeal site. This planning permission is still capable of being implemented until April 2018 and so it is a weighty material planning consideration. However, and unlike the planning permission for one dwelling on the site, the three large detached dwellings, including the associated driveways, would be positioned in very close proximity to the road, would occupy almost the full width of each plot and would include very active/urban frontages along the access drive.
8. In addition to the above, and unlike the approved dwelling which would occupy a central position within the plot and with significant space around it, owing to the position, scale and bulk of the three dwellings they would appear cramped and dominant within the sylvan and relatively undeveloped setting. Whilst the proposed linear form of development would be similar to the pattern of development at Saint Francis Gardens, this would be at odds with the more sporadic pattern of development along Jilley Royd and within what is a less urban environment. Overall, the proposal would significantly detract from the relatively green, spacious and undeveloped soft edge to the surrounding built up area.
9. For the collective reasons outlined above, the proposal would cause significant harm to the character and appearance of the area. Therefore, the proposal would not accord with the design aims of Chapter 7 of the Framework and saved Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan 1999.

Other Matters

10. Whilst I consider that the main part of the site is greenfield, this has not in fact been a determinative issue. I have not been made aware of any policies which would specifically preclude the erection of dwellings on greenfield sites, and I am aware that there is a planning permission in place for the erection of one dwelling on the site. Even if the whole site were to be considered as previously developed, this would not have altered my overall conclusion on the main issue.

11. I accept that the erection of three dwellings on the site would help to boost the supply of houses in the area. The Council has not disputed the appellant's claim that the local planning authority cannot demonstrate a five year supply of deliverable housing sites. However, the contribution to the supply of housing from three dwellings would be relatively limited. This contribution would not outweigh the significant harm that would be caused to the character and appearance of the area.
12. I have taken into account representations made by other interested parties. Some of the comments made have been addressed in my reasoning above. I note the concerns raised about traffic generation and the safety of the junction of Broomfield Road with Fixby Road. However, there is an extant planning permission in place for one dwelling and on the evidence that is before me, I do not consider that an additional two dwellings would lead to significant congestion or highway safety impacts. Furthermore, the proposal includes some improvements to the junction onto Broomfield Road. I have no reason to depart from the conclusion reached by the Highway Authority who raised no objection to the proposal.
13. None of the others matters raised outweigh or overcome my conclusion on the main issue.

Conclusion

14. For the reasons outlined above, and taking into account all other matters raised, I conclude that the proposal would not accord with the development plan for the area. Therefore, the appeal is dismissed.

Daniel Hartley

INSPECTOR