

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/16/3161984

**Land adjacent to 5a and 6 Leak Hall Crescent, Denby Dale, Huddersfield
HD8 8RZ**

- 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 Mr Jonathan Mayo (Heywood Developments (Denby Dale) Limited) against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/92019/E, dated 14 June 2016, was refused by notice dated 18 October 2016.
 - The development proposed is five new dwellings and a new adopted turning head.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of Nos 5a and 6 Leak Hall Crescent, No 25 Hillside and the proposed dwellings in terms of outlook and light, and No 25 Hillside in respect of privacy.

Reasons

Site and proposal

3. The appeal site comprises a piece of open land at the end of a residential street with no through access. It includes an area of hard standing to its central area, but the areas which are adjacent to the side elevations and rear gardens of Nos 5a and 6 Leak Hall Crescent are grassed with some tree planting on the boundaries.
4. It is proposed to erect three two storey terraced houses (1 two bedroom and 2 three bedroom) adjacent to No 5a Leak Hall Crescent and a pair of two storey four bedroom dwellings adjacent to No 6 Leak Hall Crescent arranged off a central access road with a turning head.

Character and appearance

5. The appeal site falls within a part of Leak Hall Crescent where there are mainly stone built and hipped roofed semi-detached dwellings which have proportionate front and rear gardens, with stone walls fronting the main road, hipped slate roofs including chimneys, and a regularity of open gaps between
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each of the residential blocks. In this part of the street, I consider that there is some design regularity and this gives the area its distinctive character. New detached stone built dwellings appear to have been erected on the lower parts of Leak Hall Crescent, but owing to the change in land levels and the bend in the road, such properties are not conspicuous when viewed from the appeal site.

6. The appeal site is currently open and is partly green. It provides a soft edge to the end of the street and there are open vistas to the less developed land to the west which includes a footpath. I am aware that outline planning permission has already been approved for residential development on the site, although all detailed matters (apart from access) are reserved for a subsequent application. The appellant has referred me to an illustrative layout plan which accompanied the outline planning application which showed four dwellings on the appeal site. However, the layout plan was not approved and, in any event, the dwellings were positioned in a different position to the appeal dwellings in so far that they were more closely aligned with the gable elevations of Nos 6 and 5a Leak Hall Crescent. It is, in any event, necessary for me to determine this appeal on its individual planning merits, and I therefore attach very limited weight to the indicative plan submitted with the former outline planning application.
7. I acknowledge that the proposed dwellings would be set well back from the building line of the dwellings on Leak Hall Crescent. In this respect, they would not be conspicuous when travelling up Leak Hall Crescent and given the position of the turning head there would continue to be open vistas to the land to the west. However, the dwellings would be conspicuous from more localised viewpoints on Leak Hall Crescent and in this respect would therefore be seen in the context of the existing semi-detached dwellings. In this regard, I consider that the proposed dwellings would appear substantial and imposing and that their design would be at odds with the relatively modest and unsubstantial existing semi-detached dwellings. The two storey projecting gables would appear particularly dominant and bulky on the proposed terrace of three dwellings, which would be in direct contrast to the simple/predominantly flat elevations of the nearby existing properties. Furthermore, the roofs of the dwellings would be gabled, and so would not be in-keeping with the roof design of the existing neighbouring dwellings.
8. My above design concerns are compounded by the fact that there would very limited landscaping to the front of the proposed dwellings and because the properties would be positioned close to the boundaries of the site. The turning head would be large and there would be significant expanses of driveway. I acknowledge that there would be some green areas, including a front garden to one of the proposed semi-detached properties, but overall the opportunities for landscaping would be very limited. Taking this into account, the parking of a number of vehicles to the front of the dwellings, and the overall scale and massing of the proposed dwellings, I consider that the proposal would create a very harsh and cramped environment to the detriment of the character and appearance of the area. There would be particular conflict with saved Policy BE1 (iv) of the UDP which states that development should contribute to an environment which *"provides a healthy environment including space and landscaping about buildings"*.

9. For the collective reasons outlined above, I conclude that the proposal would have significantly adverse impact upon the character and appearance of the area and would not therefore accord with the design aims of saved Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan 1999(UDP) and the National Planning Policy Framework (the Framework) which states, at paragraph 56, that *"good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people"*.

Living conditions

10. The proposed dwellings would be positioned well beyond the rear elevations of No 5a and 6 Leak Hall Crescent. They would be built in relatively close proximity to the boundaries with these properties, and owing to the height and bulk of the proposed dwellings, I consider that they would have a significantly dominating impact when viewed from existing rear windows and garden areas. In addition, and given the height and position of the dwellings, there would be some unacceptable overshadowing of the garden areas of No 5a and 6 Leak Hall Crescent, particularly later in the day.
11. The first floor rear elevation bedroom windows to the proposed semi-detached dwellings would face towards the rear elevation and garden of No 25 Hillside. Taking into account the very close separation distance, I consider that there would be significant overlooking of the windows and the garden area of No 25 Hillside to the detriment of the privacy enjoyed by the occupiers of this detached house.
12. I have not been provided with any development plan policies for the area which specify minimum garden sizes for residential properties. Nonetheless, I consider that all of the rear gardens would be disproportionately small for what would be five relatively large family houses. Given the scale of the dwellings and the size of the gardens, I consider that the garden areas would feel oppressive and that overall the dwellings would have a dominating impact when residents were using these spaces. Given the limited length of the gardens and the overall height of the proposed dwellings, I consider that there would be some overshadowing of the semi-detached dwelling gardens at about mid-day and to a lesser degree to parts of the garden areas of the terraced dwellings in the early mornings.
13. Owing to the changes in levels it is proposed that there would be a raised terrace to the rear of each of the three proposed terraced dwellings: they would lead down to very small lower garden areas. Based on the information submitted, I am concerned that it would be possible to look down and into neighbouring lower level gardens from the respective terraced areas. This would cause unacceptable harm to the privacy enjoyed by residents of these proposed dwellings.
14. For the collective reasons outlined above, I conclude that the proposal would cause significant harm to the living conditions of the occupiers of No 5a and 6 Leak Hall Crescent in terms of outlook and light; the occupiers of some of the proposed dwellings in terms of the private use of rear gardens; that the proposed rear garden areas would be unacceptably small, feel oppressive and have limited levels of light, and that significant harm would be caused to the occupiers of No 25 Hillside in respect of loss of privacy. Therefore, the proposal would not accord with the amenity aims of saved Policies D2 and BE12

of the UDP and the Framework. I do not consider that saved Policies BE1 and BE2 of the UDP are strictly relevant to this issue as they relate more to matters of general design.

Other Matters

15. I note the appellant's comment that the Highway Authority has requested a large turning head and that this has meant that the dwellings are positioned further into the site. I do not know if the Highway Authority would support a smaller turning head, but, in any event, the requirement for a specific turning head cannot justify allowing harmful development. It would be open to the appellant to discuss an alternative proposal with the Local Planning Authority/Highway Authority, but this is not a matter than I can pursue as part of this appeal.
16. I have considered the appellant's comment about the dwellings being affordable and that some of the properties had already been sold. I do not have any specific information about affordability, although I do accept that the provision of five dwellings would make some, albeit a relatively limited, contribution towards the supply of dwellings in the area when the Local Planning Authority is unable to demonstrate a five year supply of deliverable housing sites. Whilst, the boost to housing supply does weigh in favour of the proposal, it does not outweigh or overcome the significant harm that would be caused to the character and appearance of the area and to the living conditions of existing and future residents.
17. I acknowledge the comments made by Melissa Lees who was hoping to purchase one of the proposed properties. Whilst this individual may have been prepared to purchase a dwelling with very limited private outside amenity space, it is nonetheless necessary for me to consider whether the proposed dwellings, including the associated outside amenity space, would be acceptable for all future occupiers. I have found that the private outside amenity space would be severely restricted, and the comments made by Melissa Lees do not alter my conclusion on this issue.
18. None of the other matters raised outweigh my overall conclusions on the main issues.

Conclusion

19. For the reasons outlined above, and taking into account all other matters raised, the proposal would not accord with the development plan for the area. Therefore, the appeal should be dismissed.

Daniel Hartley

INSPECTOR