
Appeal Decision

Site visit made on 23 May 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 26th June 2017

Appeal Ref: APP/Z4718/W/16/3161720

Woodland Fisheries, 72 Springwood Road, Thongsbridge, Holmfirth HD9 7SN

- 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 Gurmit Singh against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/92236/W, dated 22 June 2016, was refused by notice dated 6 September 2016.
 - The development proposed is a side extension with extended roof and basement.
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Decision

1. The appeal is allowed and planning permission is granted for a side extension with extended roof and basement at Woodland Fisheries, 72 Springwood Road, Thongsbridge, Holmfirth HD9 7SN in accordance with the terms of the application, Ref 2016/62/92236/W, dated 22 June 2016, subject to the attached schedule of conditions.

Main Issue

2. The main issue is the effect on the character and appearance of the building and the area.

Reasons

3. The appeal site comprises a modest sized area of land which contains a small single storey pitched roof building that is used as a hot food takeaway. The building is positioned to the left side of the site, when viewed from Springwood Road, with the remaining area used for informal car parking. This area abuts a recently constructed housing site which is located in a former railway cutting. The houses are three storeys, although they are set approximately one storey lower in the land levels than the appeal site. The boundary between the appeal site and the housing site is defined by a close boarded fence. To the rear of the appeal site are the grounds of an adjoining school.
 4. The proposed side extension and the veranda contained within the front roof slope would be set well back from the front elevation of the existing building. The front roof slope would further angle back to form a roof pitch that would be slightly set down from the main roof pitch of the existing building. This arrangement would also take the massing of the extension back from the front elevation that would face the streetscene and result in a scale, on its own that
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- would be subordinate to the existing building and, when taken with the existing building, would not appear excessive.
5. The side extension and the veranda, when combined with the existing building, would also not give the appearance of a building extending across the full width of the site or that substantially extends across the depth of the site, because of the clear break that would be formed in the front elevation, resulting from the set back from the existing building.
 6. The area of the site in front of the veranda, directly adjacent and most visible from the streetscene, would remain free from built development above ground level. The side extension would extend up to the rear boundary of the site, although this would only be visible from the school grounds, and not from the streetscene. It would also extend close to the boundary with the housing site, although well set back from the site frontage. With the siting and the area in front of the proposal remaining free from built development, it would not represent a cramped over development of the site.
 7. The side extension and veranda would also not have an unacceptable visual impact on the area because it would not be prominent with the set back from the existing building and its scale. The existing building and the boundary fence with the housing site would also provide screening and limit visibility. The materials would match the existing building and thus would appear visually to be in keeping.
 8. A proposal for a smaller single storey extension has been approved on the site previously, which sought to overcome earlier Council concerns over the scale of development and the effect on the character and appearance of the area. However, I have based my decision on the proposal which is subject of this appeal.
 9. I conclude the proposal would not harm the character and appearance of the building and the area, and would comply with 'Saved' Policies D2 (vi, vii), BE1 (iv), BE2 (i) and B5 of the Kirklees Unitary Development Plan (1999) which require development to not prejudice visual amenity and the character of the surroundings; promote a healthy environment, including space around buildings; is in keeping with any surrounding development; and safeguards visual amenity.
 10. I also conclude the proposal would comply with Section 7 of the National Planning Policy Framework (Framework) because it would constitute good design, in particular paragraph 61, as the proposal would integrate development into the built environment.

Other Matters

11. Customers can congregate on the site at the present time and whilst the veranda would provide shelter for customers during inclement weather, the area that would be covered is modest in size and is thus unlikely to attract a significant number of customers. It would not therefore require a solid side elevation to the veranda to prevent undue noise and disturbance. This would also be limited by the close boarded fence on the boundary with the housing site. When the takeaway is closed, the veranda would not be able to be accessed. I consider the use of the veranda would not unduly affect the living conditions of the occupiers of the housing site.

12. The proposal would not result in an unacceptable effect on car parking because the sales area of the takeaway would not be increased and informal car parking could still occur in front of the veranda with access via the existing low kerb. Stability matters in relation to the basement can be controlled through condition. I consider the proposal would be acceptable with regard to parking and access issues.
13. A presumption in favour of sustainable development is at the heart of the Framework. I consider that as the proposal would accord with the development plan, under paragraph 14 of the Framework, it would constitute sustainable development.

Conditions

14. I have imposed conditions necessary in the interests of certainty (1 and 2); to ensure the proposal remains ancillary to the hot food takeaway use for reasons of highways safety (3); to safeguard the character and appearance of the area through use of matching materials to the existing building (4); so that the construction of the proposal is carried out to in a manner which is acceptable with regard to highways safety (5); and that the basement is constructed to ensure structural stability of the highway and can accommodate off street car parking (6).
15. I also require details to be submitted pre-commencement where these matters need to be addressed at the start of the implementation of the permission (5 and 6).
16. Where I have altered the wording of conditions put forward by the Council, I have done so in the interests of preciseness, without changing their overall intention.

Conclusion

17. For the above reasons and having regard to all other matters raised, I conclude that the appeal is allowed.

Darren Hendley

INSPECTOR

CONDITIONS SCHEDULE

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing nos. 100 to 110 (inclusive).
- 3) The development hereby permitted shall not be used at any time other than for purposes ancillary to the existing A5 use at Woodland Fisheries, 72 Springwood Road, Thongsbridge, Holmfirth, HD9 7SN.
- 4) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
- 5) No development shall take place, including any works of demolition or excavation, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:
 - i) the parking of vehicles of site operatives and visitors;
 - ii) loading and unloading of plant and materials;
 - iii) storage of plant and materials used in constructing the development;
 - iv) vehicle routeing, signage and access arrangements;
 - v) measures to control the emission of dust and dirt during construction; and
 - vi) a timetable programme for deliveries.The approved Construction Method Statement shall be adhered to throughout the construction period for the development.
- 6) No development shall take place until details of the design of the basement, including structural calculations, construction methods, support methods for car parking, structural stability and any remediation required, has been submitted to, and approved in writing by the local planning authority. The development shall be implemented in accordance with these details and thereafter retained.