
Appeal Decision

Site visit made on 5 June 2017

by Gwyn Clark BSc DipTP MRTPI

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

Decision date: 12 July 2017

Appeal Ref: APP/Z4718/W/17/3166387
Wesley Terrace, Denby Dale HD8 8RS

- 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 Adrian Barraclough against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/92527/E, dated 29 March 2016, was refused by notice dated 11 October 2016.
 - The development proposed is to erect a three bedroom detached dwelling on a vacant village infill site.
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Decision

1. I dismiss the appeal.

Main Issues

2. The main issues in this appeal are the effect upon:
 - the character and appearance of the area and the setting of nearby listed buildings
 - the living conditions of neighbouring properties with specific reference to 1A, 16 and 17 Wesley Terrace
 - highway safety with specific regard to car parking.

Reasons

Character and appearance

3. The appeal site, which is a disused area of land near the end of a cul-de-sac, is undoubtedly heavily constrained. It is narrow, there is a steep embankment to the rear, it is irregularly shaped, follows the slope downhill along Wesley Terrace and it lies in close proximity to neighbouring dwellings. The design response is to construct an 'L' shaped split-level house in a traditional style constructed in materials sympathetic to the area. The design would take some reference from the older terraced houses of Wesley Terrace and also reflect the style adopted by the newer dwellings found opposite.
4. However the dominant leg of the 'L' shape would run at right angles to Wesley Lane and the gable wall would be blank in order to avoid potential privacy issues with the dwellings opposite. The shape of the house, the manner in which it addresses the road and its position on rising ground mean that it

would appear overly dominant and overpowering within the existing street scene.

5. The garden/amenity space around the proposed house would be very limited. This is due to the size of the plot in relation to the footprint of the dwelling. A relatively large area at the front is also given over to provide car parking for this dwelling and its neighbour. While there are several examples of dwellings on awkwardly shaped small plots, some with very limited space around them, each site and its surroundings are different. I have considered this proposal on its own merit. Within the context of Wesley Terrace where gardens tend to be larger and more regular in shape this aspect of the appearance of the proposed development would not reflect the local character.
6. In respect of the effect of the development upon the Methodist Church and Manse these are both imposing listed buildings of significance standing on Cumberworth Lane not far from and high above the appeal site. The National Planning Policy Framework makes clear that when considering the impact of a proposed development on the significance of a heritage asset great weight should be given to the asset's conservation. Significance can be harmed or lost through, amongst other things, development within the setting of a listed building.
7. The principle views of both the Methodist Church and Manse are taken from Cumberworth Lane and when viewed from here I consider there to be sufficient separation distance, a significant change in ground level and the intervening access and car park to the front and side of the Manse for the setting of these listed buildings not to be harmed. However the proposal would be seen in front of the listed buildings when approaching from Wesley Terrace. As this is not a principal view of the heritage assets, and a reasonable degree of separation would be maintained, harm would be caused but I consider that this would be limited.
8. Nevertheless I consider that the proposed development would appear overly dominant and imposing within the street. The combination of the forward projecting large blank gable, the frontage parking and the limited space around the building would lead to the house appearing out of character. I further consider that there would be some harm caused to the setting of the Methodist Church and Manse. Consequently it would prove contrary to policies D2, BE1 and BE2 of the 2007 Kirklees Unitary Development Plan (KUDP), and contrary to the policies of the NPPF which collectively seek to achieve a high standard of design in new development and one that is characteristic of the local area and which preserves the setting of listed buildings.

Living conditions of neighbours

9. Although I note there is some disagreement over the precise distance between the blank gable wall and the houses opposite I have judged that the minimum distance specified within Policy BE12 of the KUDP between the blank gable of the proposed house and the front of the houses opposite is achieved. However due to its height, width and elevated position I nevertheless consider that it would appear a rather uncompromising and imposing feature to these neighbours and that it would prove quite overbearing.
10. The proposed dwelling would also have an unsatisfactory relationship with the newly built dwelling, No 1A Wesley Terrace. The secondary gable of the new

house would lie very close to and overlap the rear of No 1A. Although set at an oblique angle the proximity of the gable wall would prove harmful to the living conditions of the occupiers through an overbearing and overshadowing effect upon the rear of this house and its garden.

11. As a consequence I consider that the proposed dwelling would prove contrary to the provisions of policy D2 of the KUDP which seeks to protect residential amenity as it would be harmful to the living conditions of neighbours due to an overbearing and overshadowing effect.

Highway safety

12. The submitted plans indicate four parking spaces within the site to serve the two dwellings, No 1A and the current proposal. While the suitability of these spaces to accommodate a vehicle clear of the highway is disputed I also take into account that Wesley Terrace is a truncated road and only provides access for residents and to the small car park adjacent to the Manse. Consequently traffic is light and traffic speed is low. I also observe that Wesley Terrace is conveniently located in relation to a range of services and facilities and so future occupiers of the proposed dwelling would have easy access to these and to alternative modes of transport.
13. I am satisfied that at least three spaces can be accommodated within the appeal site to serve both dwellings and consider that any deficiency in car parking provision against the provisions of Policy T10 and T19 of the KUDP would in this case not be likely to materially harm highway safety.

Other matters

14. From the evidence before me I conclude that there is an absence of a five year land supply within the District. By virtue of paragraph 49 of the NPPF this means that relevant policies for the supply of housing cannot be considered up to date. Even though only for a single dwelling the development would contribute towards meeting an important need for houses in the area. The house would be located close to a range of services and facilities including easy access to public transport. Furthermore, although there is no mechanism proposed to ensure it remains an 'affordable' dwelling as defined by the NPPF it nonetheless would be a smaller dwelling which is in greater need. I also consider that an energy efficient dwelling as proposed would be in line with policy BE1 of the KUDP.
15. I have in accordance with paragraph 14 of the NPPF approached this appeal on the basis that planning permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits identified. The NPPF identifies three dimensions to sustainable development. Some economic benefit would arise from the construction of the new dwelling and social benefit would arise through providing a new home fulfilling an important need and close to services and facilities. I attribute significant weight to these matters. However there is also an environmental dimension to sustainable development. While the development would be energy efficient and make beneficial use of an untidy and unused site I have concluded that it would have a significant and harmful effect upon the character and appearance of the area and upon the living conditions of neighbours. I also find that some harm would arise as a consequence of the development upon the character and

setting of the nearby listed buildings. I consider that these harmful effects would significantly and demonstrably outweigh the benefits.

Conclusion

16. By virtue of the conflict that I have identified with policies D2, BE1 and BE2 of the KUDP the proposal would not be in accordance with the development plan. In my consideration the identified benefits of the development do not outweigh the harmful effects. As the material considerations do not indicate otherwise planning permission should be refused and accordingly the appeal is dismissed.

Gwyn Clark

INSPECTOR