
Appeal Decision

Site visit made on 25 June 2019

by M Cryan BA(Hons) DipTP MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 July 2019

Appeal Ref: APP/Z4718/W/19/3220159

Lowerhouses Road, Quarmby, Huddersfield HD3 4DY

- 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 Dean Mate against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/90723/W, dated 24 February 2017, was refused by notice dated 7 November 2018.
 - The development proposed is the erection of a dormer bungalow on a redundant garden site.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Kirklees Local Plan (the Local Plan) was adopted by the Council on 27 February 2019. This replaced saved policies in the 1999 Kirklees Unitary Development Plan (the UDP) cited in the Council's decision notice. Saved UDP Policies D2, BE1, BE3 and BE12 were replaced by Policy LP24 of the Local Plan on its adoption. I shall therefore consider the proposal against Policy LP24.
3. Having reviewed the Council's evidence, I conclude that their concern about harm to future occupiers of the proposed dwelling is with regard to overlooking.

Main Issues

4. The main issues are the effect of the proposed development on:
 - the character and appearance of the area, and;
 - living conditions for existing residents of neighbouring properties with particular regard to outlook, and for future occupiers with particular regard to overlooking.

Reasons

Character and appearance

5. The appeal site lies in a residential area of Huddersfield which has a variety of housing types within a dense development pattern. The site sits between small terraced dwellings on Lowerhouses Road and Reinwood Road, and provides

openness and separation between these closely-built houses. Two bungalows back on to the site to the south west and have a different character from the older terraces, and beyond these are other older bungalows fronting Quarmby Road.

6. The appeal proposal is for a detached dormer bungalow with detached garage. A development of this type would not necessarily be out of keeping with the bungalows on Quarmby Road. However, the design of the dwelling and its siting within the plot appear to have been driven largely by compliance with the dwelling separation distance requirements set out in Saved Policy BE12 of the now-superseded UDP. Consequently, its location and orientation would be unrelated to the established development pattern, and would encroach into the limited openness of its setting. The bland and unattractive appearance of the development would show little respect for or relationship with the character of the street of which it would nominally be part. In the context of the site's location between the opposing terraces it would appear incongruous.
7. I therefore conclude that the development would be harmful to the character and appearance of the surrounding area. As such it would be contrary to the requirements of Policy LP24 of the Local Plan which, among other things, seeks to ensure that in form, scale, layout and details new development respects and enhances the character of the townscape. It would also fail to accord with paragraphs 127 and 130 of the 2019 National Planning Policy Framework (the Framework), which seek to achieve well-designed places.

Living conditions

8. 182 Quarmby Road has a short rear garden which is separated from the appeal site by an open boarded fence. I appreciate that the development would be slightly offset from No 182. Nonetheless, the development's scale and siting would give notable enclosure to views from No 182 and its garden, and appear overbearing. This would result in a significant loss of outlook for the occupiers of that property.
9. Nos 5 and 7 Lowerhouses Road lie to the north of the appeal site, and their frontages would face the development's blank gable. Although the separation distance of around 12 metres would conform to the requirements of saved Policy BE12 of the UDP, in the context of the tight development pattern it would be a dominant and overbearing feature when viewed from either the habitable rooms or the gardens at the front of those properties. It would consequently mean a significant loss of outlook for the occupiers of those homes.
10. The development's rear garden would be overlooked from the first floor windows of the dwellings on Lowerhouses Road to the north. There would also be similar overlooking across a slightly greater distance from the dwellings on Reinwood Road. As a result, I find that the occupiers of the proposed new bungalow would not have the degree of privacy within their outdoor amenity space which they could reasonably expect. Even with boundary treatments I do not consider that this overlooking and consequent loss of privacy could reasonably be mitigated.
11. I accept that many of the existing dwellings in the area are closely set and have limited outdoor space. This is particularly so with the older properties nearby, where the space and privacy standards reflect the expectations of the

time they were built. However, the presence of those existing developments does not justify allowing the harm which would arise from this proposal.

12. Taking all of these points into account, I conclude that the proposed development would be harmful to the living conditions of occupiers of neighbouring properties, in particular 182 Quarmby Road and 5 and 7 Lowerhouses Road. It would also be harmful to living conditions of future occupants of the proposed bungalow with regard to overlooking. It would consequently be contrary to Policy LP24 of the Local Plan, which seeks to ensure that developments provide a high standard of amenity for future and neighbouring occupiers. For the same reasons, it would also fail to accord with the provisions of paragraph 127 of the Framework.

Planning balance

13. At the time the original application was made and determined it was common ground between the parties that the Council could not demonstrate a 5 year housing land supply. However, the Local Plan has subsequently and very recently been adopted, and there is nothing before me to suggest that I should not give the relevant policies in the Local Plan full weight. Consequently, the tilted balance set out in paragraph 11d of the Framework does not apply. In any event, even if it the tilted balance did apply, the adverse effects of the development would significantly and demonstrably outweigh the limited economic and social benefits that would arise if the appeal was allowed.

Conclusion

14. For the reasons given above, and having taken into account all other relevant matters raised, I conclude that the appeal should be dismissed.

M Cryan

Inspector