



Appeal Decision

Site visit made on 2 July 2019

by Kate Mansell BA (Hons) MPhil MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 August 2019

Appeal Ref: APP/Z4718/W/19/3227094

2 Romsey Close, Lindley, Huddersfield, West Yorkshire HD3 3GU

- 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 and Mrs Polzin against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/62/93784, dated 9 November 2018, was refused by notice dated 11 January 2019.
 - The development proposed is a new dwellinghouse on land at 2 Romsey Close.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council adopted the Kirklees Local Plan (Kirklees LP) on 27 February 2019. I am required to determine the appeal on the basis of the development plan that is in force at the time of my decision. Accordingly, the proposal should now be considered against Policy LP24a of the adopted LP, which is cited as PLP24(a) in the reason for refusal. The parties have had the opportunity to comment on the effect of the Kirklees LP on the proposed development and I have taken any comments into account in reaching my decision.
3. On 19 February 2019, the Government published an updated revised version of the National Planning Policy Framework (the Framework). In relation to the main issue in this appeal, Government policy has not materially changed. Accordingly, no parties have been prejudiced by my having regard to it.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

5. Romsey Close is a small residential cul-de-sac principally comprising two-storey semi-detached dwellings. They have a mostly uniform appearance, set back from the road behind a driveway/garden along a broadly consistent building line. The houses typically have a longer garden to the rear.
6. The appeal site at No 2 Romsey Close is different to this established pattern, sitting within a large irregularly shaped plot with an extensive front garden so that the house, a double fronted detached property with a long single storey side extension, is substantially set back from the road. It has further garden areas to the side and rear.

7. The proposal would introduce a detached two-storey house with a separate garage accessed from the existing driveway on land that is presently the lawned front garden of No 2. A new driveway would also be created along the eastern edge of the site, adjacent to a public footpath. This would serve No 2, as well as a detached dwelling set back behind the rear elevation of No 2 that was approved in June 2018¹ but not yet constructed.
8. A previous application for 2 dwellings within the garden of No 2, one effectively in the same location as the June 2018 approval cited above, and the other to the front of the site, was refused in February 2018². The appeal proposal would be set further into the site in comparison to this previous scheme and it would provide a larger garden. Consequently, I acknowledge that the Council, in its officer report, accept that the proposed dwelling would provide acceptable living conditions for both existing residents and future occupiers.
9. However, No 2 is distinct within the cul-de-sac as a consequence of being a large house that is set back generously within the site. Its front garden provides an attractive landscaped opening as the road curves. This contributes to the quality of the street scene and provides a visual break between the properties on Crosland Road and the more 'tight-knit' houses from No 4 Romsey Close onward. Even though the appeal site is not within a Conservation Area, the proposal would introduce a dwelling within this space, and it would be visually conspicuous as a result.
10. Furthermore, with the exception of No 2, the existing houses along the street, including the two detached properties to the north of the site, are of a broadly consistent design. They are modest in their width and depth and present largely flat fronted elevations, detailed with small projecting porches with simple and repetitive proportions to provide a coherent street scene. Because the appeal proposal would broadly align with the front building line of dwellings on the south side of Romsey Close, it is within the context of these houses, rather than No 2, that the proposed dwelling would be seen.
11. I appreciate that the proposal would be two storeys with a comparable set back from the site frontage and a similar rear garden depth to neighbouring properties. It would also be constructed in brick with a tiled roof. Nevertheless, it would be noticeably wider than the existing houses along the street frontage. It would also have a projecting front gable and bay detail. Taken together, its scale and design would be at odds with the established form of development along the road. Given its prominent location on a bend close to the entrance of the cul-de-sac, it would therefore be incongruous within the street scene.
12. For these reasons, I conclude that the proposal would be harmful to the character and appearance of the area. It would therefore conflict with Policy LP24(a) of the Kirklees Local Plan (2019). This policy seeks to ensure that all development respects and enhances the townscape having regard to, amongst other matters, the form, scale and details of the development. It would also fail to accord with guidance in Chapter 12 of the Framework in respect of seeking to achieve well-designed places.

¹ Council Ref: 2018/90760

² Council Ref: 2016/92466

Other Matters

13. The Council identify two Grade II Listed Buildings at Nos 80 and 82 Cowrakes Road to the south-east of the site. In accordance with the statutory duty set out in Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, I have to consider the impact of the proposal on the special architectural and historic interest of the Listed Buildings affected, and their settings. In this case, the proposal would be some distance away from these listed cottages. As a result, it would have no perceivable effect on either the Listed Buildings or their setting, which would be preserved.

Planning Balance and Conclusion

14. From the evidence before me, it is apparent that the Council is not able to demonstrate a 5-year supply of deliverable housing sites. Therefore, having regard to the Framework, the presumption in favour of sustainable development applies and relevant policies that are most important for determining the application should be considered out-of-date.
15. However, in the context of the development plan, the Local Plan is very recently adopted, and I have found that the proposed development would be contrary to Policy LP24(a). Moreover, the overall high-quality design objectives of this policy are consistent with the Framework. As such, it can be afforded substantial weight.
16. Nonetheless, I recognise that the Government seeks to significantly boost the supply of homes. Furthermore, the site is within an accessible location for housing, with bus services to Salendine Nook and Lindley where the principle of residential development would be acceptable. This is evidenced by the recently approved dwelling to the south-east of the site.
17. The benefits arising from one new dwelling and its contribution to housing supply would, however, be limited. Consequently, the harm to the character and appearance of the area would, in my view, significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework when taken as a whole. Therefore, the proposal would not represent sustainable development.
18. For this reason, I conclude that the appeal should be dismissed.

Kate Mansell

INSPECTOR