



Appeal Decision

Site visit made on 18 June 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 12 August 2019

Appeal Ref: APP/Z4718/W/19/3226584

42A Station Road, Fenay Bridge, Huddersfield HD8 0AD

- 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 Gary Oldroyd against the decision of Kirklees Council.
 - The application Ref 2018/62/92860/W, dated 29 August 2018, was refused by notice dated 19 March 2019.
 - The development proposed is erection of single dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Kirklees Local Plan (KLP) was adopted on 27 February 2019. During the appeal process the final document was published. The KLP has superseded the Kirklees Unitary Development Plan (KUDP). There are no saved policies from the KUDP. This represents a material change in circumstances. I will therefore determine the appeal on the basis of the relevant policies contained in the final version of the adopted KLP.
3. The appeal site has been the subject of two previous outline applications for a detached house. Application ref 2017/91544 was granted in March 2018. Application ref 2016/91893 was refused in November 2016. The application was submitted with all matters other than access and layout reserved for future consideration. Indicative plans were submitted showing two alternative schemes, one for a two-storey house, and the other for a dormer bungalow. This decision was appealed, ref APP/Z4718/W/16/3164940 and dismissed in March 2017. The evidence submitted for this appeal is materially different to that considered previously, in that it includes full and detailed plans of the proposed development and I will consider the appeal on this basis.

Main Issues

4. The main issues are:
 - The effect of the form, scale, massing and design of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of the occupants of No 44 Station Road and future occupants of the proposed dwelling.

Reasons

Character and appearance

5. The appeal site is located in an established residential area on the outskirts of Huddersfield. Its elevated hilltop position provides short views out over roofscapes and long views out over the town when looking north west.
6. The site is a section of hardstanding and garden beside No 42A Station Road which is a split level detached house accessed by a narrow driveway from Station Road. The hardstanding sits above the terraced garden area to the rear and side of No 42A Station Road. Due to the topography of the area, the properties to the south, Nos 44 and 46 Station Road, sit above the appeal site. Whereas the properties to the north further along Station Road and to the west on Fenay Drive sit well below the appeal site.
7. I agree with the previous Inspectors' comments in that there is no particular uniform pattern of development or layout to the buildings in the area and that there is a mix of house types, sizes, designs and use of materials. Therefore, even though a property at this location would reduce the openness of the site, it would not appear unduly at odds with the pattern of development nearby or unsympathetic to the surrounding character. On this basis, and in line with the grant of outline planning permission by the Council in 2018, I would agree that the site is appropriate for the erection of a single dwelling and the access and layout of the proposed development would not harm the character and appearance of the area.
8. The proposed development is a two-storey detached house in an 'L' shape. It would have a hipped roof to one side and gable to the other and facing materials of render and stone with concrete tiles to the roof. I accept that the building would be set back from Station Road, the footprint would provide some space around it and the materials would not be out of keeping in this context. However, I consider that the dwelling's two-storey form, its large scale and substantial massing would be unduly prominent on the townscape when viewed from Station Road. In addition, it would be very dominant on the skyline at the edge of the slope high above Fenay Drive. Combined with the uncommon gable and hipped roof design, the proposed dwelling would visually conflict with adjacent properties and would not integrate well into the townscape. In these respects, it would harm the character and appearance of the area.
9. I acknowledge that the previous Inspector found the erection of a detached house would cause no harm to the character and appearance of the surrounding area. However, that was in relation to an outline proposal and it does not follow that a dwelling of any form, scale, massing and design would necessarily be appropriate or acceptable on the site.
10. Accordingly, I conclude that the form, scale, massing and design of the proposed development would cause harm to the character and appearance of the area. As such, it conflicts with policy LP24(a) of the KLP (2019) which promotes good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape; and Section 12 Achieving well-designed places, in the National Planning Policy Framework (Framework).

Living conditions

11. The proposed dwelling would be located to the north west of No 44 Station Road. Its front elevation, which would have a large window to a bedroom at first floor, would be at an oblique angle to the rear elevation of No 44 Station Road, which has windows to bedrooms at first floor. I acknowledge that there would be no direct window to window views and no views would be fully blocked. However, due to the limited separation distance between the elevations and the relationship of habitable rooms, I believe that there would be an unacceptable level of overlooking and some overbearing impact to both the occupants of No 44 Station Road and future occupants of the proposed dwelling.
12. Therefore, I conclude that the proposed development would be harmful to the living conditions of the occupants of No 44 Station Road and future occupants of the proposed dwelling. As such it conflicts with policy LP24(b) of the KLP (2019) which promotes good design by ensuring that proposals provide a high standard of amenity for future users and neighbouring occupiers, including maintaining appropriate distances between buildings; and Section 12 Achieving well-designed places, in the Framework.

Conclusion

13. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR