



Appeal Decision

Site visit made on 5 August 2019 by Andreea Spataru BA (Hons) MA MRTPI

Decision by Susan Ashworth BA (Hons) BPL MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29 August 2019

Appeal Ref: APP/Z4718/D/19/3231408

3 Cromwell Court, Almondbury, Huddersfield HD5 8ZH

- 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 Blyth against the decision of the Council of Kirklees.
 - The application Ref 2019/62/90646/W, dated 28 February 2019, was refused by notice dated 7 May 2019.
 - The development proposed is a single storey garage.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey garage at 3 Cromwell Court, Almondbury, Huddersfield HD5 8ZH in accordance with the terms of application ref: 2019/62/90646/W, dated 28 February 2019 and subject to the following conditions:
 1. The development hereby permitted shall begin no later than three years from the date of this decision.
 2. The development hereby permitted shall be carried out in accordance with the following approved plans: 100; 101; 102.
 3. 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.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary matter

3. The appeal statement refers to a revised scheme, which appears to constitute a second application to the Council. I can only determine the appeal based on the original proposal, thus the alternative plans included within the appeal statement have not been considered.

Main Issues

4. The main issues are whether the proposal would preserve or enhance the character or appearance of the Conservation Area and the effect of the proposal on the character and appearance of the streetscene.
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Reasons for the Recommendation

5. 3 Cromwell Court is a detached, two-storey dwelling located in a small cul-de-sac, within the Almondbury Conservation Area (CA). The appeal dwelling has a two-storey side extension to the north and a first-floor side extension to the south. It also has a shed next to the southern side boundary. This cul-de-sac is formed of four detached properties, which appear to be originally built with a single storey garage/structure to the side. They are similar in terms of design and materials and are located in close proximity to each other. They form a small residential estate, which is a more recent addition to the CA, and occupy a secluded position at the edge of the CA.
6. The proposed garage would replace the existing shed and would infill the gap between the host dwelling and the southern side boundary. Given the shape of the appeal site, the garage would be at an angle with the dwelling. It would have a pitched roof and would match the materials of the original dwelling.
7. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of a conservation area.
8. The Council found that the proposal would not harm the character and appearance of the CA, as the development would not have a prominent position within the CA and would match the materials of the host dwelling. I am satisfied from all I have seen and read that for those reasons the proposal would preserve the character of the Conservation Area. However, the Council is concerned that the proposal would appear as a cramped addition that would lead to overdevelopment of the site, thus would harm the character and appearance of the streetscene.
9. Although the development would infill the gap between the host dwelling and the southern boundary of the site, there would still be a clear separation between the appeal dwelling and the neighbouring property. From what I have seen, neighbouring property no 4 Cromwell Court has a single-storey structure that is slightly set-in from the side boundary shared with the appeal site. In addition to the gap between the proposal and the neighbouring dwelling, the garage would also be set back from the front elevation of the neighbouring dwelling. Furthermore, I noted that neighbouring properties located on the northern side of Cromwell Court also have single-storey garages next to the side boundary shared with their adjoining property.
10. I note that the dwelling has been previously extended and that the garage would further extend the dwelling towards the southern boundary of the site. The existing shed, although not attached to the dwelling, occupies a significant area to the south of the dwelling. Whilst the garage would completely infill this gap and thus increase the mass of the dwelling, it would not appear out of context, as neighbouring dwellings also project significantly along the width of their plot. I acknowledge that the appeal site is wider than neighbouring sites, however given the corner plot location of the appeal property and the siting of the garage in relation to the host dwelling and neighbouring properties, the proposal is acceptable.

11. The garage would be single-storey; its eaves would be in line with the ground floor level of the host property and its ridge line would be slightly below the eaves of the first-floor side extension. Whilst the roofline of the garage would not be in line with that of the front porch, or with the eaves of the first-floor extension, the development would be sufficiently in keeping with the host property as to not adversely affect its character and appearance, or the character and appearance of the area. The matching materials, roof style, and the eaves height would ensure that the garage is in keeping with the host dwelling and the streetscene.
12. In light of the above, I conclude that the appeal development would preserve the character of the Conservation Area and would not adversely affect the character and appearance of the streetscene. Consequently, the development would meet the statutory tests set out in the Act and would accord with Policy LP 24 (a) and (c) of the Kirklees Local Plan, which amongst other things, supports developments that are designed to be in keeping with existing buildings, and that respect the character and appearance of the area.

Other matter

13. I note that the garage would not meet the standards to be considered a parking space. Given that the proposal would not reduce the existing number of off-street parking spaces for the appeal dwelling, and would not be detrimental to highway safety, the Council found it acceptable in terms of impact on highway safety. I have no reasons to disagree.

Conditions and Recommendation

14. In the interests of proper planning and to provide certainty I have recommended the standard time limit condition and have specified the approved plans. In order to protect the character and appearance of the area a condition that specifies that matching materials are used in the development is necessary. These conditions have also been suggested by the Council in the event that the appeal was allowed.
15. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to these conditions.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

16. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is allowed.

S Ashworth

INSPECTOR