



Appeal Decision

Site visit made on 19 September 2019

by Jamie Reed DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2019

Appeal Ref: APP/A4710/W/19/3233565

Land off Heath Hill Road, Halifax HX2 0UT

- 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 Charlesworth against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 18/00062/FUL, dated 16 January 2018, was refused by notice dated 22 January 2019.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant local planning policies; and
 - the effect of the proposal on the living conditions of neighbouring residential properties.

Reasons

Whether inappropriate development

3. The Framework advises at paragraph 145 that other than in connection with a small number of exceptions, the construction of new buildings within the Green Belt is inappropriate development. Limited infilling in villages is one of these exceptions. Although the Council refer to Framework paragraph 146 in respect of this issue, it is not relevant to the development proposed.
4. At a local level, Policy GNE1 of the Calderdale Metropolitan Borough Council Replacement Unitary Development Plan (RUDP) (as amended 2009), explains that development outside of urban areas will be restrained by the extent of the Green Belt. RUDP Policy NE7 provides further guidance in respect of infill development within Village Envelopes in the Green Belt. However, the Council consider this policy to be inconsistent with the Framework as this currently does not contain any commentary regarding Village Envelopes. Whilst this may be the case, it is nevertheless clear that whilst some of the curtilage of the proposed dwelling would fall outside of the Village Envelope of Mount Tabor,

the dwelling itself would fall within. It would occupy a roadside frontage site with existing dwellings on either side. As such, the proposed dwelling would constitute limited infilling within a village. As a result, I conclude that the proposal would not constitute inappropriate development in the Green Belt.

Living Conditions

5. A row of terraced houses known as Grove Row lie to the immediate south of where the proposed dwelling would be located. These properties have their principal elevations to their rear, with small outdoor terrace areas adjoining them. These small outdoor terrace areas are enclosed by low stone boundary walls and look out onto large expanses of open fields.
6. Whilst the proposed dwelling would be built alongside the row of houses at Grove Row, its parking and garden area would extend to the side and rear, resulting in this being positioned immediately in front of the small outdoor terrace areas of 8–9 Grove Row. At present there is no vehicular access to this area. The small outdoor terrace areas are of a quiet and tranquil nature, due to their location away from the highway, looking out onto the large expanses of open fields beyond.
7. The introduction of the parking and garden areas in the location proposed would result in an increase in activity arising from its day-to-day use as a garden and parking area. Whilst it is reasonable to expect a degree of noise from a garden area, the proposed arrangement would also result in vehicles manoeuvring in front of the small outdoor terrace areas of Nos 8–9. This would result in a noticeable increase of noise levels in this currently quiet and tranquil location, which is, at present, inaccessible to vehicles. This would be particularly disturbing to the occupiers of Nos 8-9, as they would not have any other outdoor space available to them where they could go to avoid such disturbance. Further disturbance would also occur in the evening, when any vehicles would also be likely to have their headlights on, which would cast light/shadows onto the rear of the properties at Grove Row. The introduction of these audible and visual disturbances would have a significant impact upon the occupiers of Nos 8-9, who currently do not experience such effects.
8. Whilst the appellant contends that the proposed fencing or landscaping would help to screen the parking and garden area from the properties on Grove Row, this would actually result in further harm. This would arise from the additional height that would be added onto the shared boundary with Grove Row, which is currently a low, stone boundary wall. This increase in height would result in the terrace areas becoming small confined spaces, which would be much different to their current open nature. Clearly, such a change would cause significant harm to the living conditions of the occupiers of Nos 8-9.
9. Accordingly, for the reasons set out above, I conclude, on this issue, that the proposal would result in significant harm to the living conditions of the occupiers of Nos 8-9. Consequently, the proposal would be contrary to Policy BE1 of the RUDP. This policy seeks to ensure that proposals do not significantly affect the privacy and amenity of neighbouring residents.

Other Matters

10. The appellant submits that the garden boundaries of the proposal follow and link up with an existing rear boundary line. As a result of this, they consider the

enclosure of the land in this manner would result in a similar situation as that of an approved¹ infill dwelling at the opposite end of Grove Row. Whilst it is apparent that there are indeed similarities, insofar as how these boundaries would collectively come together to form a continuous boundary to the open fields to the rear, there is also a significant difference. That difference is that the garden of the other dwelling¹ does not enclose any outdoor space of its neighbours in the same way as would occur with the proposal that is before me. As a result, this other dwelling does not adversely affect the living conditions of its neighbours in the same way that would occur in this instance.

11. The appellant has drawn my attention to the Council Officer's report highlighting that the scheme was recommended for approval. Whilst this may be the case, the Council is not duty bound to follow the advice of its professional officers and as such, I can only give this little weight.
12. The appellant has also highlighted that the Council Officer's report states that the proposal would have no effect on the privacy or amenity of neighbouring occupiers. Whilst the location of the proposed dwelling itself may not harm the occupiers of these neighbouring dwellings, it is clear that significant harm would occur as a result of the location of the proposed parking and garden areas, for the reasons that I have explained above.
13. I have also taken into account the appellant's wider evidence, including that changes were made to the proposal to overcome concerns that were raised by Council Officers during their consideration of the application. However, these changes still result in the proposal creating harm to neighbouring residents.

Conclusion

14. Taking all of the above factors into account, even though I find that the proposal would not be inappropriate development in the Green Belt under the terms set out in the Framework, this is outweighed by the significant harm that the proposal would cause to the living conditions of neighbouring occupiers, by way of disturbance. Consequently, for the reasons given above, I conclude that the appeal is dismissed.

Jamie Reed

INSPECTOR

¹ Application Ref No 16/00484/FUL