



Appeal Decision

Site visit made on 17 December 2019

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 January 2020

Appeal Ref: APP/Z4718/W/19/3238283

7 East Street, Jackson Bridge, Holmfirth HD9 1HY

- 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 Nigel Heeley against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/91350/W, dated 13 April 2019, was refused by notice dated 20 June 2019.
 - The development proposed is the construction of a detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The plans submitted with the planning application have formed the basis of my consideration of the appeal. However, the appellant has submitted a block plan showing parking for No 7 East Street. This seeks to address the Council's concerns regarding the parking arrangements for the proposed development.
3. I am conscious that the appeal process should not be used as a means to progress alternatives to a scheme that has been refused. However, where amendments are proposed, regard should be had to whether the amendments would materially alter the nature of the application and whether anyone who should have been consulted on the changed development would be deprived of that opportunity.
4. In this case, the amendments would alter the external layout of the site to accommodate a parking space for No 7 East Street. This relates to one of the reasons for refusal, but it has not been subject to public consultation through the application process. Taking this into account, I cannot be certain that there would not be any prejudice to any party should I accept the amended plan at this stage. As such, in the interests of fairness and natural justice, I have considered the appeal based on the plans which formed the basis of the Council's decision.

Main Issues

5. The main issues in this appeal are:
 - Whether or not the proposal is inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;

- The effect of the proposal on the character and appearance of the area;
- The effect of the proposal on the use of the public house garden and the quality of the community facility; and
- The effect of the proposed access and parking arrangements on highway and pedestrian safety;

Reasons

Inappropriate development

6. Paragraph 143 of the Framework makes it clear that inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. There are exceptions to this general restriction and paragraph 145 (e) advises that the construction of new buildings comprising limited infilling in villages should not be considered inappropriate development. Another of these exceptions is the redevelopment of previously developed land (paragraph 145 (g)).
7. Policy LP59 of the Kirklees Local Plan Strategy and Policies (LP) adopted 2019 accepts some infilling on brownfield land in Green Belts subject to a number of criteria. The appeal site appears to form part of the garden associated with No 7 East Street in Jackson Bridge. The definition of brownfield sites or previously developed land in the Framework excludes land in built-up areas such as residential gardens. The appeal site is positioned with a Public House on the upper slope to the rear. It is located within Jackson Bridge and there are a number of houses to the east, south and west of the site. It is therefore, in my view, located within a built-up area and would not constitute previously developed land. As such, the proposal would not fall to be assessed against Policy LP59 of the LP or paragraph 145 (g) of the Framework.
8. The Council considers that Jackson Bridge is not a village for the purposes of paragraph 145 (e) of the Framework. However, neither the Framework nor the LP give a definition of what constitutes a village.
9. During the site visit I was able to observe 2 Public Houses, a bowls club and graveyard. These would all be within walking distance of the development proposed. Whilst the settlement may not have a defined core in terms of its layout, that is often the case for many villages, and it is not necessarily a decisive factor. Whilst I recognise that there are no shops or schools at Jackson Bridge, given the existing facilities and number of houses, I am satisfied that it can be considered a village for the purposes of paragraph 145 (e) of the Framework.
10. I recognise that the proposal may not be within a continuously built up frontage and is set back from East Street. However, it would be located close to the end of the row of housing to the east, the public house and its garden and other residential properties and their grounds to the west. Moreover, due to the size of the site and as a single residential dwelling is sought, it would, in my view, constitute limited infilling within the village of Jackson Bridge. It would therefore accord with paragraph 145 (e) of the Framework. As such the proposal would not be inappropriate development within the Green Belt.
11. As I have found that the proposal is not inappropriate development in the Green Belt and as no other potential harm to the Green Belt has been

identified, it is not necessary for me to consider whether any very special circumstances exist.

Character and appearance

12. Jackson Bridge is characterised by stone built, predominantly 2 and 3 storey properties often in terrace groups. No 9 East Street is a 3 storey property which steps down to No 8 and 7 which are 2 storey. They are built backing on to Sheffield Road which is on a higher ground level. East Street also slopes down to Hepworth Road, and due to a combination of the scale of properties and change in topography, the built form appears generally to step down with the slope.
13. The proposed dwelling would be detached from, but adjacent to, the end of a row of properties. It would appear significantly taller than No 7 and would fail to harmonise with the prevailing pattern of the built form as it steps down the slope. Moreover, the extent and style of the proposed windows on the western and southern elevation would contrast with the fenestration associated with the housing along East Street. As such, the combination of the scale and design would appear contrived in this location. I recognise that large openings are not uncommon in agricultural and industrial buildings within the area. However, the building's form and appearance would not reflect either of this type of building and as such this does not outweigh my concerns.
14. Whilst variation can add interest to an area, in my view, the proposal would fail to reflect the architectural vernacular of Jackson Bridge and in particular the housing along East Street. It is the resulting relationship of the proposed development within the immediate street scene which leads me to conclude that the proposal would appear as a discordant feature.
15. I therefore conclude that the proposal would result in harm to the character and appearance of the area. As such, the proposal would conflict with the requirements of Policy LP24 of the LP which seeks to achieve good design in developments.
16. Policy LP24 of the LP is consistent with the provisions of the Framework. I therefore conclude that the proposal would conflict with chapter 12 and in particular paragraphs 127 and 130 of the Framework which broadly seek to secure high quality design.

Public house

17. The proposal would be positioned close to the garden of the Red Lion Public House. This lies to the north of the appeal site on a higher ground level separated from the appeal site by the public right of way (PROW). The garden includes a range of seating areas and is an attractive space which I'm advised is used to host events such as live music on occasions.
18. The proposed house would be dominant from the garden, although it would be on the lower ground level and so the full scale of the property would not be fully appreciated. In this respect, although it would alter the view, I do not consider that it would appear oppressive from the higher ground level.
19. The proposal would be to the south of the garden and I have no substantive evidence regarding the extent of any overshadowing. Considering the orientation, height of the sun, location of the PROW in between, change in

topography and height of the proposed dwelling, any shadowing effect is not likely to be substantial overall.

20. There are no other neighbouring properties that have such a close relationship to the garden at present as the proposal would. Noise from the garden would likely be evident from within the proposed dwelling due to its height, close proximity to windows and lack of buffer. This would be particularly the case in the summer when the garden would be most intensively used and when the property is most likely to have its windows open.
21. Although the Council's Environment Services did not object, at such close proximity I consider that the proposal would result in an unacceptable level of noise and disturbance to the occupants of the proposed dwelling. This would in turn have an adverse impact on the use, function and enjoyment of the Public House garden and the quality of this community facility. It would subsequently conflict with the requirements of Policy LP48 of the LP which, amongst other things, supports development that protects or enhances the quality of existing community facilities.

Highway and pedestrian safety

22. The proposal incorporates an integral garage for the occupiers of the proposed property. However, it would result in the loss of a single parking space and garage. East Street has no parking restrictions in place. Many of the properties in the village appear to have no off-street parking and park on-street. Moreover, there is no substantive evidence before me as to whether there is an existing problem with the capacity of on-street parking.
23. At the time of the afternoon site visit there was limited on-street parking occurring along East Street or the wider village. Where there were parked vehicles, the carriageways were sufficiently wide to enable other vehicles to pass. I recognise that my site visit represented a snapshot in time and the level of parking would likely be different in the evenings and weekends. Moreover, the proposal would increase on-street parking as the existing parking space and garage would not be compensated for. However, I have no substantive evidence that this would result in an adverse effect on highway or pedestrian safety.
24. The existing garage and parking space at the appeal site means that vehicles either need to reverse in or out. East Street appeared to be a reasonably quiet road with vehicles not travelling at a high speed. There is no evidence before me that the existing parking layout has resulted in any highway or pedestrian safety issues. Although it has not been demonstrated whether it is possible to enter and exit in a forward gear, given the existing parking situation and the nature of East Street I am satisfied that the proposed parking arrangements would not have an adverse effect on highway or pedestrian safety.
25. A PROW passes the site boundary and access point and the Council's Highway's Officer requested further information during the application. However, it did not object on this basis and suggested that this information could be provided by conditions. Such information included, amongst others, details of refuse collection points and measures to protect the PROW during construction. As there is an existing parking space and garage, I do not consider that there would be a significant intensification of activity along the PROW from the proposed dwelling. Moreover, I consider that if I was minded to allow the

appeal, such details could be reasonably reserved by way of a condition and I note the Council's suggested conditions on this matter.

26. I therefore conclude on this matter that the proposed access and parking arrangements would not result in an adverse effect on highway or pedestrian safety. The proposal would therefore comply with Policies LP21 and LP22 of the LP which require, amongst other things, development to achieve satisfactory access and appropriate parking arrangements. The proposal would also comply with paragraph 109 of the Framework which seeks to ensure that development does not have an unacceptable impact on road safety.

Other Matters

27. The Council does not consider that the proposal would harm the setting of any listed building in accordance with Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. I have no reason to disagree with this conclusion. Moreover, given my findings on the character and appearance of the area, it is the relationship with No 7 and the prevailing pattern and character of built form in the area that is of concern and not, the specific relationship to any other individual property in Jackson Bridge.
28. I recognise that the proposal would incorporate sustainable features such as a electric car charging point and would provide an additional home to the local housing market. However, planning policy expects housing to be built sustainably and that is not a matter that attracts substantial weight over and above what would normally be expected. Moreover, a net gain of a single dwelling would only have a limited impact in the context of the overall housing supply, and I attach limited weight to the benefit in that regard.
29. I have had regard to other matters raised including the effects on the living conditions of the future occupiers of the proposal and neighbouring properties, drainage, flood risk, loss of trees and any damage or disturbance during construction. However, as I am dismissing the appeal on other grounds, I have not pursued these matters further.

Conclusion

30. The proposal would represent limited infilling in a village and consequently would not be inappropriate development in the Green Belt. Moreover, I am satisfied that the proposed access and parking arrangements would not result in an adverse effect on highway or pedestrian safety. The proposal would not result in significant overshadowing of the adjacent Public House garden or appear overly oppressive from it.
31. However, the lack of harm in those respects and the limited benefit I afford to an additional residential unit does not outweigh the significant harm I have identified to the functioning of the Public House garden and harm to the character and appearance of the area.
32. For these reasons, and having had regard to all matters raised, the appeal is dismissed.

Robert Walker

INSPECTOR