



Appeal Decision

Site visit made on 28 January 2020 by L Wilson BA (Hons) MA

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th February 2020

Appeal Ref: APP/Z4718/W/19/3240215

Brownhill Farm, Old Lane, Birkenshaw, Bradford BD11 2JL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr M Brown against the decision of Kirklees Metropolitan Council.
 - The application Ref 2019/60/90576/E, dated 22 February 2019, was refused by notice dated 23 October 2019.
 - The development proposed was described on the application form as "erection of two dwellings".
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Decision

1. The appeal is dismissed.

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.

Procedural Matters

3. Notwithstanding the description of development set out above, which is taken from the application form, it is clear from the plans and accompanying details that the development comprises outline planning permission for the erection of a single dwelling. The Council dealt with the proposal on this basis and so shall I.
4. All matters are reserved except for access and layout. Appearance, landscaping and scale are reserved matters for future approval. I will proceed on the basis that details shown on the submitted drawings in respect of matters that are reserved for future approval are for illustrative purposes.

Main Issue

5. The Council does not object to the proposed access on highway safety grounds and, based on the evidence before me, I have no reason to disagree. Therefore, the main issue is the effect of the proposal upon the character and appearance of the area.

Reasons for the Recommendation

6. Within Old Lane are a mix of bungalows, terraces, detached and semi-detached dwellings which are either adjacent to the highway or are set back behind primarily stone boundary walls. In general, properties within the street scene

are traditional in character but there are also more modern properties evident. Stone is the predominant building material.

7. The site forms a narrow and long parcel of open grassland which runs alongside the tarmac access track leading to Brown Hill Farm. Croft Lane, which is directly on the opposite side of Old Lane, is a similarly narrow access road with a strip of greenspace running alongside, albeit that the verge in that case contains a number of trees as opposed to the grass of the appeal site. Nonetheless, there is a pleasing degree of symmetry between the track, the lane and the opposing green verges. In that sense the site forms part of an attractive run of green space which makes a positive contribution to the area. The land at the appeal site also provides a welcome break from the built development and marks a transition point between the village and Green Belt to the east.
8. South of the appeal site is Russell Grove which contains a linear row of dwellings orientated 90 degrees to Old Lane, such development is not uncharacteristic of the area. Where properties are set at right angles to Old Lane the front and rear gardens provide distinct breaks in the building line fronting onto Old Lane and those gaps are a characteristic of this part of the settlement. The appeal site can be viewed in that context and forms a key, characteristic gap between Russell Grove and No.136 Old Lane.
9. From the evidence before me, although scale and appearance are reserved matters, it appears the appellant intends to erect a bungalow. Bungalows within Old Lane are set within wide, spacious plots with gaps to the northern and southern boundaries.
10. The dwelling would be situated in an unusually narrow and long plot which would not reflect the established character of the area. A dwelling located within this constrained plot would appear cramped and would result in an important, open gap, being eroded. The proposal would result in a discordant feature because of the shape of the plot and lack of spacing to the northern and southern boundaries. As a result, the scheme would appear at odds with the established character of the area.
11. The appellant highlights that the dwelling would be set back from the highway, set down so the ridge height would be the same as the bungalow to the north and a new fence or hedge would screen the property. Although these elements would reduce the prominence of the dwelling, I am not convinced that these factors would overcome the above harm identified. Although views of the dwelling would be limited, the scheme would alter the character of the appeal site through introducing domestic paraphernalia and eroding an open gap which makes a positive contribution to the area.
12. For these reasons, I find that the proposed development would be visually harmful to the character and appearance of the area. Consequently, the scheme would conflict with Policy LP24 of the Kirklees Local Plan (2019) and the Framework. These Policies seek, amongst other matters, to promote good design which is sympathetic to local character.

Conclusion and Recommendation

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

L M Wilson

APPEALS PLANNING OFFICER

Inspector's Decision

14. I have considered all the submitted evidence and the Appeal Planning Officer's report, and, on that basis, I agree and conclude that the appeal should be dismissed.

Chris Preston

INSPECTOR