



Appeal Decision

Site visit made on 25 February 2020

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 March 2020

Appeal Ref: APP/Z4718/W/19/3241604
102 Dunford Road, Holmfirth HD9 2DT

- 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 Acumen against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/60/93148/W, dated 26 September 2018, was refused by notice dated 21 June 2019.
 - The development proposed is an outline application for erection of residential development and on site parking for no's 100, 102 and 104 Dunford Road.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - i. the implications of the proposal in relation to the setting of the Underbank Conservation Area;
 - ii. the effect of the proposal on highway safety; and
 - iii. whether the development would provide suitable living conditions for future occupiers, with particular regard to its proximity to established woodland.

Procedural Matters

3. The application was made in outline with all matters reserved. The evidence indicates that information relating to layout, scale, appearance and access were requested by the Council who state that details relating to these matters (excluding appearance) were supplied. However, the appellant suggests that the proposal should be considered in outline with all matters reserved. Regardless of the apparent differing positions of the parties, no other plans detailing how the site could be developed have been put forward and I have afforded the submitted plans weight.
4. The description of development in the heading above has been taken from the Council decision notice and I have considered the appeal on this basis as it more fully describes the proposals.
5. The appellant has submitted amended plans which seek to limit the impact of the woodland on the proposal. However, the Procedural Guide to Planning appeals (2019) at Annexe M states that the appeal process should not be used to evolve a

scheme and it is important that I determine this appeal based on what was considered by the council, and on which interested people's views were sought.

Reasons

Setting of conservation area

6. The appeal site has a sloping nature. It sits on a corner location between Dunford Road which links the site to the centre of Holmfirth and the smaller Swan Bank Lane which serves the housing development, Swan Bank Court. As a result of this positioning, the site is prominent, especially in views when travelling southbound along Dunford Road. Woodland sits closely to the north west. The appeal site sits immediately to the north of the Underbank Conservation Area (the conservation area).
7. Four parking spaces would be tucked towards the bottom of Swan Bank Lane, intended to serve 100, 102 and 104 Dunford Road as well as visitors, and would have limited visual impact due to their positioning.
8. The plans indicate that a single detached residential dwelling would be positioned at an angle on the site which when viewed from Dunford Road would appear as a single storey building. More modern bungalow style development is present to the east. However, the site relates more closely to the well-established and sturdy stone built terraced properties to the south on the same side of Dunford Road which extend up the hill. These have a reasonably linear form and alignment to the road. Such terraced development is one of the defining features of the character and appearance of the conservation area.
9. The evidence indicates that the site has been cleared of trees and in its current form it makes a neutral contribution to the setting of the conservation area. However, given the differential layout and scale of the proposal to the terraces to the south, it would detract from the setting of the conservation area, therefore harming its significance.
10. While this harm would be less than substantial, paragraph 196 of the National Planning Policy Framework (the Framework) states that this harm should be weighed against the public benefits of the proposal.
11. The provision of new housing is a material consideration which carries weight in favour of granting permission. However, the level of housing provision would be small and this limited public benefit needs to be weighed against the harm to the setting of the conservation area. This designation has statutory protection and any harm must be given great importance and weight. I do not find therefore that there are any public benefits which would weigh in favour of the proposal. I conclude therefore that the proposal would fail to accord with Policies LP24 (a) and LP35 of the Kirklees Local Plan (2019) (KLP) as well as the Framework which amongst other things require development which protects heritage assets.

Highway safety

12. Along with a visitor parking space and its own drive and access, the proposal also seeks to provide further spaces, all of which would be accessed from Swan Bank Lane.
13. The evidence indicates that Swan Bank Lane also hosts a public right of way and it is not of excessive width and partly cobbled. Despite this it appears to serve a number of dwellings and their associated car park at Swan Bank Court. Due to its nature and relatively short length I do not consider that most vehicles would

traverse it at high speed. At its meeting point with Dunford Road, visibility is not excessive, partly due to the stone wall to the eastern boundary of the site and, at the time of my site visit, due to the presence of parked cars. Despite this, limited evidence has been drawn to my attention of any significant incidents relating to this access which already serves a number of residential properties. It is likely that the provision of the parking spaces for nearby properties would result in less on street parking in the immediate vicinity. The proposal also suggests that the corner of the wall at the junction of Swan Bank Lane and Dunford Road could be set back, although it is likely that this would have limited impact in relation to the restrictions to the visibility caused by parked cars.

14. The parking spaces to the south of the main part of the site would be set back from Swan Bank Lane and would be of a reasonable size. They would be set close to what appears to be a passing place. While not set so far back, the spaces directly serving the proposed dwelling would have an increased width. There is nothing within the evidence or from what I observed on my site visit to suggest that emergency or delivery vehicles could not access the site.
15. Overall, Swan Bank Lane already appears to serve a number of existing residential dwellings, and I do not consider that any additional movements as a result of the proposal would be so significant in number as to be to the detriment of highway or pedestrian safety, particularly given that some on street parking on Dunford Road could be removed. The evidence does not indicate that the parking layout would cause any unacceptable difficulty in manoeuvring. I therefore conclude that the proposals would accord with Policy LP 21 of the KLP and the Framework which amongst other things seeks to ensure that proposals can be accessed effectively and safely by all users.

Living conditions

16. It is not uncommon for a residential development to be sited in close proximity to trees, and the woodland which is close to the appeal site is situated outside of its boundaries to its north west. Some limited shading may occur due to the proximity of the appeal site to the woodland, although such a situation would not be uncommon to a site within a semi-rural setting such as this. Shading as a result of loss of sunlight would be limited given the position of the dwelling relative to the woodland. Although it would be inevitable at certain times of the year that the grounds of the property would require some work to clear leaf litter, this would not be an abnormal or unreasonable duty for a homeowner to undertake.
17. I therefore conclude on this issue that the proposal would accord with Policy LP 24(b) of the KLP which amongst other things seeks protect the living conditions of future occupiers.

Other Matters

18. Concern has been expressed by the appellant in relation to communications with the Council, however only limited information has been supplied and I afford this matter limited weight.

Conclusion

19. For the reasons set out above, I conclude that the appeal should be dismissed.

T J Burnham

INSPECTOR