
Appeal Decision

Site visit made on 11 March 2020

by Richard Aston BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 April 2020

Appeal Ref: APP/Z4718/W/19/3235632

18B Wells Road, Thornhill, Dewsbury WGF12 0LE

- 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 Faisal Yaqoob against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/91764/E, dated 27 May 2019, was refused by notice dated 31 July 2019.
 - The development proposed is erection of one dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Additional and amended plans have been submitted which are not referred to in the Council's decision notice and no further clarification has been provided by the appellant. Nevertheless, and on my reading the changes are minor, amounting to amended survey information, an additional cross section and 2 plans showing the relationship of the proposal to neighbouring buildings¹.
3. The substance of the scheme has not changed and the Council and interested persons have had the opportunity to comment during the appeal process. As a result, I find that no party would be prejudiced by my consideration of these and I have therefore determined the appeal taking into account those plans as amendments and additional information to the original application submission.

Main Issues

4. The main issues are:
 - The effect of the proposal on the character and appearance of the area, including the setting of the Thornhill Conservation Area ('TCA').
 - The effect of the proposal on the living conditions of neighbouring occupiers, with particular regard to outlook, privacy and overshadowing.
 - Highway safety.

¹ Architectural Drawings List AR-00 August 2019 – In particular, drawings AR-07, AR-08 and AR-09.

Reasons

Character and appearance

5. The appeal site is an open and undeveloped parcel of former garden land sited between No. 18 Wells Road and the turning head adjacent to No. 18A. It sits below the road surface but high above the car park of the Alma Inn and The Combs to the north, the main thoroughfare through the settlement. The prevailing character and appearance of the locality is one of residential buildings of a strong traditional form and appearance set out on the slope of the hill leading up to and along Thornhill Edge.
6. Dwellings are typically constructed of stone and tile with traditional pitched roof forms, fenestration and architectural detailing. Numbers 18 and 18A are more contemporary interpretations of this vernacular but they are of a simple form and their appearance reflects and is sympathetic to the prevailing style of properties in their immediate context, which include those within the TCA which lies immediately opposite and above. My attention has also been drawn to other more modern properties in Wells Road, including the use of red and painted brickwork but I also observed these are separated from the boundary of the TCA by a wide and steeply slope planted with a number of mature trees. Further, such examples are not close to the appeal site and cannot be reasonably said to share the same context or relationship with their surroundings and are not therefore directly comparable.
7. The proposal would introduce a strikingly different form of dwelling onto this small and constrained site. Its overly dominant roof form comprising a dual pitched roof with 2 visually prominent side facing, gable ended dormers would be particularly prominent in such an elevated position. Moreover, there would be an incoherent mix of fenestration sizes and styles, with a hodgepodge of uncharacteristic balconies and different sized openings on the prominent rear elevation facing The Combs. In my view, it would bear little resemblance to the prevailing and much simpler form and appearance of stone (and other) dwellings that form the prevailing character and appearance of the locality.
8. Although the drawings show it would be no taller than No. 20, I observed that dwelling is some distance away and of a simpler and much more sympathetic form and design. There is also variety in building heights and sizes in the locality but sited in such proximity to the boundary with No. 18 the proposal would be notably taller and of a significantly greater scale and mass than the properties either side. Despite the principle of residential development being acceptable the combination of the siting, size and its poor design would result in an incongruous development that would not be sympathetic to the prevailing local character or visually attractive.
9. The setting of a heritage asset is the surroundings in which it is experienced, its setting is not fixed and may change as the asset and its surroundings evolve. There is nothing before me from either party that describes the significance of the TCA but I saw the Parish Church of St Michael and All Angels sat at its heart. To its immediate north, a number of modest and traditional stone dwellings stepped down and around the hillside towards and along Thornhill Edge, separated from other properties further along Wells Road to the west by a substantial bank of mature trees.

10. The perception of the TCA is influenced by the comprehension of external factors and development within its setting. Whilst there is some contemporary built form in its immediate setting, the relative openness of the appeal site allows for views of the historic stone dwellings in the TCA, revealed as the road bends and climbs past the Alma Inn. As such, the appeal site now allows for some visual appreciation of the historic form, grain and appearance of the TCA. Despite being sited abutting the boundary with No. 18, the proposal would occupy a significant part of the site and the eye would be unacceptably drawn to its siting, size and poor design. It would harmfully diminish views both of and from the TCA in its surroundings.
11. Overall, the proposal would cause significant harm to the character and appearance of the area and some less than substantial harm to the significance of a designated heritage asset, in terms of its setting. Accordingly, it would conflict with Policies LP24 and LP35 of the Kirklees Local Plan 2019 ('LP') which, amongst other things and when taken as a whole, require good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape and heritage assets. The proposal would also conflict with the design objectives of the National Planning Policy Framework ('the Framework').

Living conditions

12. The decision notice only refers to Nos 18 and 18A but the delegated report also refers to No. 12 Combs Road in terms of effects on outlook. I have also received a representation from the occupiers of that property and such effects are plainly a matter before me to address. I agree with the appellant that the often fine grain of development and topography within such a historic environment will often result in a degree of mutual overlooking and effects on outlook because properties are sited within proximity and on non-uniform plots. Sensitive design can further reduce these effects as I observed here, where the design and scale of Nos. 18 and 20 has clearly had regard to the presence and position of windows in properties on Combs Road opposite.
13. The proposal would be taller than No. 18 and the upper storeys and roof would be directly opposite a rear facing lounge room window in No. 12 Combs Road. Having viewed the appeal site from that habitable and clearly well used living accommodation, the proximity and height of the proposal, combined with its dominating gabled roof and large side dormers would be overbearing and oppressive to the outlook from that room.
14. Turning to privacy, No. 18 Wells Road has side and rear garden areas set on different levels, including a private amenity space abutting the rear corner of the appeal site. Despite the rear elevation of the proposal being slightly setback, my visit and the survey drawings² indicate to me that there would be potential for overlooking of that private amenity space from the balcony serving bedroom 1. The balcony is of a size that could be used for sitting out and there would also be a strong perception of being overlooked from it and a subsequent loss of privacy for the occupiers of No. 18.
15. Given the orientation and likely siting of the proposal I am satisfied there would be no unacceptable overshadowing of that property or any unacceptable effects on the occupiers of No. 18A. Further, the 2 side elevation windows would face

² Appellant's drawing nos. 7613/1 and AR-09.

across the rooftop of No. 18 and would not therefore cause unacceptable overlooking. Nonetheless, the proposal would cause harm to the living conditions of neighbouring occupiers in terms of outlook and privacy and would conflict with Policy LP24 of the KLP insofar as it requires the design of all proposals to ensure a high standard of amenity for future and neighbouring occupiers.

Highway safety

16. As a 5 bedroom dwelling the appellant does not dispute that the proposal requires 3 off street parking spaces. An integral garage for 2 vehicles is shown with further reliance on a single on-street parking space. However, the internal garage dimensions would not be big enough to tandem park all but the smallest of vehicles and in my experience, not those typically associated with a 5 bed family sized dwelling.
17. It is reasonable to expect that the occupiers of such a dwelling would have at least 3 vehicles and although there are no on street restrictions the lane is narrow at this point with high stone retaining walls on one side. When combined with associated visitors, the lack of adequate parking provision would result in future occupants and visitors having no other option but to park within the turning area and on this narrow road. Granting permission for such a dwelling without adequate and compliant parking would be highly likely to cause inconvenience for pedestrians, cyclists and drivers of other vehicles using the highway, noting that Wells Road also provides links to direct and historic access routes down the edge from the TCA. This would increase the risks of conflict between users which would harm highway safety.
18. For these reasons, the proposal would conflict with Policies LP21 and LP22 of the KLP insofar as they require development proposals to be accessed effectively and safely by all users, ensure the safe and efficient flow of traffic within the development and on the surrounding highway network. Further, that new development incorporates flexibly designed minimum parking spaces for private cars, considering a range of solutions, to provide the most efficient arrangement of safe, secure, convenient and visually unobtrusive car parking.

Other Matters

19. The appeal site is currently vacant and unused by the appellant and the proposal would provide an additional dwelling and a more efficient use of land that would meet the needs of the appellant's growing family. The social and economic benefits of a single family dwelling weigh a small amount in favour but they do not outweigh the harm that I have identified.
20. In reaching this view I have had regard to the planning history³ which includes planning permission being granted by the Council for residential development. However, the Council do not dispute the principle of development and I have dismissed the appeal primarily on the effects of its design. There is nothing to indicate those permissions are extant or anything to show they are directly comparable to the appeal proposal before me. Such a consideration does not therefore provide any support or justification for this proposal and does not alter my view to dismiss the appeal.

³ In particular, LPA ref: 2004/93212 and 2008/90818.

Conclusion

21. For the reasons set out above, the proposal would not accord with an up to date development plan, when read as a whole. As such it would not be the sustainable development for which paragraph 11 of the Framework indicates a presumption in favour. Material considerations, including the Framework do not indicate a decision should be made other than in accordance with that plan.
22. Having considered all other matters raised, I therefore conclude that the appeal should be dismissed.

Richard Aston

INSPECTOR