
Appeal Decision

Site visit made on 23 March 2020 by Hilary Senior BA (Hons) MCD MRTPI

by Jonathan Hockley BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16th April 2020

Appeal Ref: APP/Z4718/D/20/3246310

91 Marsh Lane, Shepley, Huddersfield HD8 8AP

- 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 Shakil Jumma against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/93387/E, dated 15 October 2019, was refused by notice dated 10 December 2019.
 - The development proposed is the demolition of existing garage utility/store, new single storey extension. New detached garage.
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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.

Preliminary Matter and Main Issue

3. This proposal seeks permission for the demolition of existing garage utility/store, a new single storey extension and a new detached garage. From the submitted evidence it is clear that the Council's reason for refusal only relates to the new detached garage. The other elements of the proposal have already been granted planning permission through a previous approval and the Council do not consider that such works would have an adverse planning impact. Based on all that I have read and seen I agree with this and have dealt with the appeal on the same basis.
4. The main issue in this case therefore is the effect of the proposed detached garage on the character and appearance of 91 Marsh Lane and the surrounding area.

Reasons

5. 91 Marsh Lane is a detached bungalow located in a residential area with a mix of property types, including detached and terraced single and two storey properties. In common with many of the houses in the area, No 91 is set back from the road. This gives an open feeling to the streetscape of the surrounding area and provides a sense of space. No 91 is also set at a lower level than the

- highway; an area of landscaping is located behind the boundary wall of the property and the highway.
6. The proposed double garage, incorporating a mezzanine storage area, would replace a previously approved single garage and car port. It would be located between the highway and the host property, with the rear of the garage located just inside the boundary wall.
 7. The proposed garage would be a fairly substantial structure, measuring some 8.6m by 8.6m. A pitched roof would host a mezzanine storage area, complete with 6 large rooflights. The Council note that the garage would have a total height some 0.9m higher than the host property, and the scale and mass caused by the height and footprint of the proposal, when combined with its location between the bungalow and the highway would appear incongruous within the fairly open street scene and detract from the character and appearance of both No 91 and the surrounding area.
 8. I also note that some of the landscaping currently located adjacent to the boundary wall would likely be required to be removed as part of the construction of the proposal, further opening up views of the site. While replacement landscaping could be conditioned, this would take time to establish and, based on the submitted plans, space would be limited for such landscaping. The applicant draws my attention to the approved scheme, which includes a single garage and attached car port. Full details, including siting, are not provided so it is difficult to see if the consented scheme would have the same issues regarding landscaping but the details provided do indicate that the consented scheme appears to have significantly less mass than the proposal and would also be considerably lower. While I note comments on the design and materials of the proposed carport element of the consented scheme, this structure would be considerably smaller than the proposal and would have a level of permeability in views.
 9. My attention has also been drawn to examples of other dwellings in the locality with garages closer to the highway than the host property. From what I have read and seen on the site visit these examples are mainly attached to their host dwellings and accordingly are set back from the highway further than the appeal proposal or do not have the same pitched roof and therefore height. Furthermore, each case must be considered on its own merits and I have determined this appeal on the site specific circumstances of this case. I also note the appellant's views over the need to store both of their vehicles inside a garage. However, I do not consider that this outweighs the harm that the proposal would cause to the character of the area.
 10. I therefore conclude that the proposed detached garage would harm the character and appearance of both 91 Marsh Lane and the surrounding area. The proposal would be contrary to Policy LP24 of the Kirklees Local Plan Strategy and Policies (2019) which seeks to ensure that the scale and layout of development respects and enhances the character of the townscape.

Conclusion and Recommendation

11. For the reasons given above and having regard to all other matters raised, I recommend that the appeal is dismissed.

Hilary Senior

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and on that basis the appeal is dismissed.

Jon Hockley

INSPECTOR