



Appeal Decision

Site visit made on 24 February 2020

by S R G Baird BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th April 2020

Appeal Ref: APP/Z4718/W/20/3244169

Land on South View, Paddock, Huddersfield, HD1 4UE

- 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 M Saleem against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/90206/W, dated 18 January 2019, was refused by notice dated 26 September 2019.
 - The development proposed is the erection of a detached dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling on land on South View, Paddock, Huddersfield, HD1 4UE in accordance with the terms of the application, Ref 2019/62/90206/W, dated 18 January 2019, subject to the conditions contained in the attached Schedule.

Main Issue

2. The effect on the character and appearance of the area.

Reasons

3. The appeal site comprises vacant land that is unallocated in the Kirklees Local Plan (LP) and the Council indicates that the principle of a dwelling on this site is acceptable. LP Policy LP24a seeks to ensure that the form, scale, layout and details of a development respects and enhances the character and appearance of the area. Paragraph 127 of the National Planning Policy Framework (Framework) indicates that whilst not preventing or discouraging, amongst other things, change, decisions should ensure that development is sympathetic to the surrounding built development. Framework paragraph 130 refers to permission being refused for poor design that fails to take opportunities for improving the character and quality of an area and taking account of local design guides or style guides in plans or supplementary documents. Other than the wording of LP Policy 24a, there is no reference to any published local design guidance. Framework paragraph 130 goes on to say that where design accords with the clear expectations in plan policies design should not be used as a valid reason to object to development.
4. The proposed house would be located at the corner of South Street and South View and adjacent to The Nab. Dwelling types, designs and finishes in this area are mixed. Houses in South Street are stone faced, 2-storey terraced houses set at the back of the pavement. The Nab is a long low, stone faced bungalow. Houses in South View comprise 2-storey semidetached houses with stone faced plinths and spar dashing above, with a few having been

subsequently rendered. These houses have 2-storey bay windows to the front. At the end of South View, where it joins Church Street, there are stone faced terraced houses with dormer windows.

5. The Council highlights 4 elements of the proposed house for criticism; the 2-storey porch, the single-storey bay windows, the dormer windows and stone quoins as features that are not evident in the local area. Albeit they are at the far end of South View, the houses there have dormer windows. Those proposed on this scheme would have a pitched roof and are well proportioned in relation to the dwelling, its roof plane and surroundings. The 2-storey porch is a contemporary design feature and is in proportion to the dwelling. Single-storey bay windows and the stone quoins are a design choice. In the absence of specific design guidance or codes produced by the Council, cumulatively, all these aspects would come under the Framework paragraph 127 reference of "change", which should not in itself be discouraged. Whilst this would be a large dwelling, it would sit well within its plot, is set back from the road and has an open aspect to the sides and rear. Drawing all these factors together, the proposed dwelling would not represent incongruous development that fails to integrate with the character of the area. As such, the proposal would not conflict with either LP Policy 24a or Framework policy.

Conclusion

6. The proposed development would not unacceptably affect the character and appearance of the area contrary to Local Plan and Framework policy. Accordingly, having taken all other matters into consideration this appeal is allowed.

Conditions

7. In the interest of the appearance of the area, the amenity of future residents and to ensure the development does not interfere with the adjoining railway track, conditions relating to the use of natural stone/roof tiles, noise attenuation measures, site remediation, the removal of permitted development rights and the submission of a construction method statement are reasonable and necessary. In the interests of certainty, a condition specifying the approved plans is proposed. Where necessary and in the interests of precision and enforceability, I have reworded the suggested conditions.
8. The proposal is for a single dwelling serviced from the adjoining highway. In this context, a condition specifying the arrangements and specification for waste collection is unnecessary.

George Baird

Inspector

SCHEDULE OF CONDITIONS

1. The development hereby permitted shall be begun within 3 years of the date of this permission.
2. The development hereby permitted shall be carried out in accordance with the following plans: Drawing Nos. 2018021 (0-) 01; 2018021 (0-) 02 and 2018021 (0-) 03 Rev A.
3. The dwelling shall be faced in natural stone with a tiled roof in accordance with the submitted details and shall be retained thereafter.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) no development included within Classes A, B, C, or E of Part 1 of Schedule 2 to that Order shall be carried out without the prior written consent of the local planning authority.
5. Development shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) has been submitted to and approved in writing by the local planning authority.
6. Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition 5. Development shall not commence until a Phase II Intrusive Site Investigation Report has been submitted to and approved in writing by the local planning authority.
7. Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition 6, development shall not commence until a Remediation Strategy has been submitted to and approved in writing by the local planning authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
8. Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition 7. In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report is identified or encountered on site, all works on site (save for site investigation works) shall cease immediately and the local planning authority shall be notified in writing within 2 working days. Unless otherwise approved in writing with the local planning authority, works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the local planning authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
9. Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Validation Report shall be submitted to the local planning authority. Unless otherwise approved in writing by the local planning authority, no part of the site shall be brought into use until such time as the remediation measures for the whole site have been completed in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy and a Validation Report in respect of

those remediation measures has been approved in writing by the local planning authority.

10. Before the hereby approved dwelling is first occupied a report specifying the measures to be taken to protect the development from noise from the railway shall be submitted to and approved in writing by the local planning authority. The report shall:
- i. determines the existing noise climate
 - ii. predict the noise climate in gardens (daytime), bedrooms (night-time) and other habitable rooms of the development
 - iii. detail the proposed attenuation/design necessary to protect the amenity of the occupants of the new residences (including ventilation if required).

The development shall not be occupied until all works specified in the approved report have been carried out in full and such works shall be thereafter retained.

11. Prior to the hereby approved development being brought into use, one electric vehicle charging points shall be installed and made ready for use. The cabling and circuitry rating for the charging point shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The provided vehicle charging point shall be retained thereafter.
12. Prior to development commencing, a construction method statement, shall be submitted to and approved in writing by the local planning authority. The method statement shall include but not be limited to:
- an outline of the proposed method of construction which ensures that the adjacent railway is protected;
 - a risk assessment in relation to the railway and construction traffic management plan;
 - details of any vibro-compaction machinery to be used during the construction of the dwelling;
 - details of any cranes to be used during the construction of the dwelling;
 - details of the method of surface and foul water disposal.

Thereafter, the development shall be undertaken in accordance with the approved method statement. Prior to the installation and operation of any external lighting within the site outlined in red on the hereby approved location plan, a scheme which details the measures to be taken for the control of any glare or stray lighting arising from the operation of artificial lighting shall be submitted to, and approved in writing by the local planning authority. The lighting shall be installed in accordance with the measures so approved and thereafter the artificial lighting shall be operated in accordance with the approved scheme.