
Appeal Decision

Site visit made on 18 May 2020

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st May 2020

Appeal Ref: APP/Z4718/W/20/3245005

41 Stockhill Street, Dewsbury WF13 2JE

- 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 Shafiq against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2019/62/90498/E, dated 14 February 2019, was refused by notice dated 19 July 2019.
 - The development proposed is a 2 storey 3 bedroom detached dwelling with integral garage.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed dwelling on the character and appearance of the area.

Procedural Matter

3. Both the description of development on the planning application form, as set out in the banner heading above, and on the Council's decision notice refer to an integral garage. Amended plans were submitted during the course of the planning application that replaced the integral garage with living accommodation and reduced the footprint size of the proposed dwelling. Accordingly, I have considered the appeal on this basis.

Reasons

4. The appeal site comprises the part of the garden of 41 Stockhill Street (No 41) which lies on the corner with Oxford Road. No 41 is a bungalow property, and there are a mix of types of dwellings along Stockhill Street. Opposite, there are playing fields.
5. The nearest properties along Oxford Road consist of a variety of large detached dwellings that are found on substantially sized plots. They are considerably set back from their site frontages by the front garden and parking areas. The distances involved are fairly uniform. This established pattern of development is an important aspect of the pleasing spacious character. Oxford Road also rises up appreciably towards a brow which is close to the site.

6. The proposed dwelling would be sited well forward of the existing properties on Oxford Road. In doing so, it would disrupt the established pattern of development. The contrast with the arrangement of the existing dwellings would be marked. As a consequence, it would be a discordant form of development.
7. In addition, the proposed dwelling's location on a corner plot and close to the brow would result in it being overly prominent. Visually, it would be apparent that the proposed dwelling would not conform to the building pattern and so be out of keeping. As Oxford Road exhibits a unifying character in this regard, even if the appearance of individual dwellings varies, it is a quality that would suffer undue harm.
8. The appellant has drawn comparisons with a dwelling at 139 Oxford Road by way of how its building line would be similar to the proposed dwelling. This property is, however, found some way from the site and is too distant to provide a sense of symmetrical balance along the road. Hence, it does not change my view. The proposed dwelling would be more in keeping with what is a greater degree of varied character along Stockhill Street. Nevertheless, this would not address what would be significant harm to the character of Oxford Road.
9. I conclude that the proposed dwelling would have an unacceptable effect on the character and appearance of the area. As such, it would not comply with Policy LP24 of the Kirklees Local Plan Strategy and Policies (2019) (Local Plan) which states that good design should be at the core of all proposals in the district, and that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape, amongst other considerations. It would also not accord with the National Planning Policy Framework (Framework) where it seeks to achieve well-designed places.

Other Matters

10. The proposal would make a modest contribution to the Government's objective of significantly boosting the supply of homes. It would also bring economic benefits during construction and through the spend of the future occupiers, Council tax and the New Homes Bonus. It would also be in an accessible location as regards local services, and the future occupiers would also assist in supporting these services. Such benefits would, though, be on a limited scale as one additional dwelling would result. They would not outweigh the harm that would arise to the character and appearance of the area. That the Council did not raise objections on other grounds does not weigh either for or against the proposal.
11. The appellant has referred me to Policy LP1 of the Local Plan, which concerns the presumption in favour of sustainable development, as is set out in the Framework. I have addressed the relevant economic, environmental and social matters above. With the harm that would arise as regards the effect on the character and appearance of the area, this does not favour the proposal from an environmental perspective. Nor does the Framework where it states that good design is a key aspect of sustainable development.

12. Interested parties have raised a number of other concerns. However, as I am dismissing the appeal on other grounds, such matters do not alter my overall conclusion and have therefore not had a significant bearing on my decision.

Conclusion

13. The harm that would arise to the character and appearance of the area is determinative. For the reasons set out above and having regard to all matters that have been raised, the appeal should be dismissed.

Darren Hendley

INSPECTOR