
Appeal Decision

Site visit made on 15 July 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 August 2020

Appeal Ref: APP/Z4718/W/20/3249010

73 Prospect Road, Longwood, Huddersfield HD3 4UY

- 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 Christian Hinchliffe against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/90375/W, dated 5 February 2019, was refused by notice dated 18 October 2019.
 - The development proposed is a 3-bed property following demolition of side kitchen extension and garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on 1) the character and appearance of the area 2) the living conditions of future occupants with regard to the provision of private outdoor amenity space and 3) the living conditions of occupants of 75 and 77 Prospect Road with regard to outlook and light.

Reasons

Character and appearance

3. The appeal site, which is located in a predominantly residential area, comprises land adjacent to 71 and 73 Prospect Road which are end terrace properties. The site currently contains a single storey side extension that is part of no. 73 Prospect Road, a detached garage and parking spaces for 71 and 73 Prospect Road. The site is located on the corner of Prospect Road and Beryl Street.
4. The proposed dwelling would be attached to the existing terrace. Where it adjoins the appeal site, the existing terrace incorporates a hipped roof. Although this feature is not replicated at the opposite end of the terrace, when it is combined with the low level development on the site, it serves to relieve the dominance of the terrace in the street-scene, creating an open feel to the immediate surroundings.
5. The proposed dwelling would not incorporate a hipped roof feature, bringing a full height gable end right up to the edge of the street, where, due to its scale and massing, it would appear imposing and dominant in the street-scene at

this corner location. The harm would be further exacerbated through the proposed flat-roof dormer which, due to its size and siting, would dominate the rear roofscape and be highly noticeable on the side elevation.

6. The dwelling would use materials to match those used in the existing terrace and the window and door positions and sizes largely reflect those of the existing terrace. However, I find that these aspects should be features of a well-designed development of this nature regardless and do not override the harm I have identified.
7. I therefore conclude that the proposed dwelling would have a significantly adverse impact on the character and appearance of the area. It would be contrary to Policy LP24 of the Kirklees Local Plan (2019) which requires, amongst other things, 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.
8. The proposal would conflict with guidance contained in the National Planning Policy Framework (the Framework) (2019) that outlines, amongst other things, that planning decisions should ensure that developments add to the overall quality of the area; are visually attractive as a result of good architecture; are sympathetic to local character, including the surrounding built environment; and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Living conditions of future occupants

9. The properties in the existing terrace are back to back. They have small areas of private outdoor amenity space to the front. The nature of the appeal proposal is that it would have private outdoor amenity space to the front and rear, which in effect would be greater than the existing neighbouring dwellings.
10. The space to the rear of the proposed dwelling is however primarily taken up by parking spaces for two vehicles, leaving a small lawn area with balcony above. I acknowledge the relatively small amounts of private outdoor amenity space to existing neighbouring dwellings, however from the information before me, these are small one-bedroom properties. I find that they, and therefore the associated amenity space, are not comparable to the appeal proposal which is a large dwelling comprising three bedrooms and a playroom, suggesting it would be intended for family occupation.
11. I consider that the proposal would not provide sufficient private outdoor amenity space for the dwelling which it is intended to serve. The three-bedroom dwelling would likely to be aimed at families, for whom a garden of sufficient size would be of greatest need and requirement for outdoor play, recreation and socialising.
12. I therefore conclude that the proposal would have a significantly harmful effect on the living conditions of the future occupants of the development having regard to private outdoor amenity space provision. It would be contrary to Policy LP24 of the Kirklees Local Plan (2019) which requires, amongst other things, that developments provide a high standard of amenity for future occupiers.

13. The proposal would also be contrary to guidance contained in the Framework which outlines, amongst other things, that decisions should ensure that developments create places that promote health and well-being, with a high standard of amenity for future users.

Living conditions of existing occupants

14. There are existing residential properties at 75 and 77 Prospect Road. These dwellings have windows that look directly onto the appeal site. The windows in the ground floor appear to be secondary windows to rooms that also include windows that look onto Prospect Road and Beryl Street respectively. Windows to the first floor are fitted with obscure glazing and appear to serve bathrooms. Windows in the second floor appear to be bedroom windows.
15. The properties at 75 and 77 Prospect Road sit in a more elevated position than the appeal site. The Council outlines that a distance of 10.5m would be maintained between the existing dwellings and the proposed dwelling. Given that the ground floor windows in the side elevation appear to be secondary windows, and that due to the siting of the proposed dwelling, the windows overlooking Prospect Road and Beryl Street respectively would be unaffected, I consider that the proposal would not have an unreasonable impact on outlook from these rooms. In terms of the first-floor windows, as these appear to be bathroom windows, they are non-habitable rooms, and therefore the proposal would not have an unreasonable impact in this regard. In relation to the second floor windows, owing to the elevated nature of these properties, when considered relative to the siting and scale of the proposed dwelling and the separation distance that would be maintained, I find that there would not be an unreasonable impact on outlook.
16. The appeal site sits towards the south-east of the properties at 75 and 77 Prospect Road. Due to this orientation, combined with the scale and siting of the proposed development, the elevated nature of the properties at 75 and 77 Prospect Road and the separation distance, I do not consider that there would be any unreasonable level of overshadowing or loss of light.
17. I therefore conclude that the proposal would not have a harmful effect on the living conditions of the occupants of 75 and 77 Prospect Road with regard to outlook and light. It would comply with Policy LP24 of the Kirklees Local Plan (2019) which requires, amongst other things, that developments provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings.

Other Matters

18. The appellant highlights that the development would be in a sustainable location and involve the removal of an existing unsightly concrete garage on the site. I acknowledge that the dwelling would be in a sustainable location, however such a matter is not in dispute or pertinent to the main issues. I do not consider that the provision of an additional dwelling in a sustainable location would outweigh the harm I have identified.
19. I find that the removal of the existing garage is of limited benefit. Although it is a relatively unattractive structure, I do not consider that its removal would outweigh the harm I have identified, even when combined with the development providing an additional dwelling in a sustainable location.

Conclusion

20. Although I have found there would be no harm to the living conditions of the occupants of 75 and 77 Prospect Road as a result of the development, I find that the development would have a significantly adverse impact on the character and appearance of the area and the living conditions of future occupants. I therefore conclude that when the development is considered as a whole the appeal should be dismissed.

A M Nilsson

INSPECTOR