
Appeal Decision

Site visit made on 21 July 2020

by J Hunter BA (Hons) Msc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th August 2020

Appeal Ref: APP/Z4718/W/20/3252177

Former Mill Chimney Site, Adj Glen Lea, Sheffield Road, New Mill, Holmfirth HD9 7EL

- 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 and Mrs B Matthewman against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/93596/W, dated 12 November 2019, was refused by notice dated 21 April 2020.
 - The development proposed is described as residential development, 3 dwellings.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The date of application in the banner heading above has been taken from the appeal form as it is not shown on the original application form submitted with the appeal.

Main Issues

3. The main issues are i) the effect of the proposal on the character and appearance of the area and ii) the effect of the proposal on the living conditions of the occupiers of neighbouring property Glen Lea with particular regard to outlook.

Reasons

Character and appearance

4. New Mill is characterised by two and three storey stone built properties often in short terraces and arranged to respond to the relatively steep topography of the locality.
5. The appeal site is a parcel of previously developed land at the southern periphery of the village fronting onto Sheffield Road. The land slopes steeply to the south with woodland wrapping around its eastern and southern boundaries. To the north there is a short terrace of two storey properties and to the west there is commercial development separated from the site by Sheffield Road.
6. The appeal would see the construction of three large detached dwellings in a roughly triangular formation. Plot One would lie towards the front of the site

fronting onto the road and set slightly forward of the adjacent property Glen Lea. Two further properties would be positioned side by side at the rear of the site. Plot two running alongside the shared boundary with Glen Lea and Plot Three in the south east corner of the site. A private driveway would enter the site at the south east corner and serve all three properties.

7. The general pattern of development in the surrounding area is of a relatively dense cluster of development in the village centre with spurs of linear development radiating outward in several directions. The topography of the land means that development often lies at oblique angles, particularly in the steeper locations. Closer to the village centre this detracts from the linear pattern to some degree and gives the impression that there are houses built to the rear of other properties, in relatively close proximity.
8. The appeal site sits at the end of a strong linear form of development where there are relatively long front and rear gardens backing onto the open hillside. At the end of the terrace there is a detached property and narrow lane before another longer terrace of properties. I saw during my site visit that there is one single storey dwelling positioned to the rear of this second terrace however, given its limited scale and height it does not appear prominent in the street scene nor does it detract from the pattern of development in this part of the village.
9. In contrast, I consider that the clustered layout of the proposed dwellings coupled with their scale, bulk and prominent hillside location would appear dominant and incongruous in the street scene. Whilst I accept that the individual design and proposed materials would reflect the local vernacular, I find that the overall composition of the dwellings would have a significantly detrimental impact on the character and appearance of the location.
10. In this regard the proposal would be contrary to the design requirements of Policy LP24 of the Kirklees Local Plan Strategy and Policies 2019 (KLP) which amongst other things requires that the form, scale, layout and details of all development respects and enhances the character of the townscape.

Living Conditions

11. I am satisfied that the positioning of the proposed dwellings at Plots One and Three would not lead to any material reduction in living conditions for the neighbouring occupiers at Glen Lea or any of the other neighbouring properties. In this regard I concur with the Council's assessment. Furthermore, I accept that the relationship between Glen Lea and the proposed dwellings would be such that there would not be a significant amount of overlooking as the nearest dwelling (Plot Two) would lie at an oblique angle to Glen Lea.
12. Notwithstanding the above, based on the sectional drawing I have been provided with and from what I saw on site the proposed dwelling at Plot Two would have a ground floor level approximately 3m higher than that of the existing adjacent property at Glen Lea. I consider that this would have a dominating and overbearing effect on the occupiers of Glen Lea. This would be further exacerbated by the relatively short separation distance of approximately 16m and the scale and bulk of the proposed dwelling. These factors would, I consider significantly and detrimentally effect the outlook of existing and future occupiers at Glen Lea resulting in an unacceptably negative

impact on living conditions thus failing to accord with the amenity requirements of Policy LP24 of the KLP.

Conclusion

13. I am cognisant of the appellants' main argument relating to paragraph 11 the National Planning Policy Framework (the Framework) which promotes the effective use of land in meeting the need for homes, placing substantial weight to the value of using suitable brownfield land. However, the Framework is very clear that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. I have found that the appeal proposal conflicts with development plan policy. The benefit associated with the re-use of previously developed land is not sufficient to outweigh the significant harm I have identified in relation to the main issues. Consequently, for the reasons outlined above and taking into account all other matters raised I conclude that the appeal should be dismissed.

J Hunter

INSPECTOR