The Planning Inspectorate

Appeal Decision

Site visit made on 24 November 2020

by Sarah Manchester BSc MSc PhD MIEnvSc

an Inspector appointed by the Secretary of State

Decision date: 14th December 2020

Appeal Ref: APP/Z4718/W/20/3254836
Woodleigh, Vicarage Road, Savile Town, Dewsbury WF12 9PD

- 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 Mrs Sajeda Patel against the decision of Kirklees Metropolitan Borough Council.
- The application Ref 2019/62/93944/E, dated 06 December 2019, was refused by notice dated 30 March 2020.
- The development proposed is change of use of domestic accommodation to consulting rooms and erection of single storey extension to outbuilding.

Decision

1. The appeal is dismissed insofar as it relates to erection of single storey extension to outbuilding. The appeal is allowed insofar as it relates to change of use of domestic accommodation to consulting room, and planning permission is granted for change of use of domestic accommodation to consulting room at Woodleigh, Vicarage Road, Savile Town, Dewsbury WF12 9PD, in accordance with the terms of the application Ref 2019/62/93944/E, dated 06 December 2019, and the plans submitted with it, so far as relevant to the use hereby permitted and subject to the following conditions:

    1) The development hereby permitted shall begin not later than 3 years from the date of this decision.

    2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location plan, dated November 2019; and the undated Double Garage ground floor plan and the first floor plan illustrating the area to be used for consultations.

Procedural Matters

2. The application form indicates that the building work has already begun. At the time of my visit, I saw that the single storey extension to the outbuilding was substantially complete. Therefore, I have determined the appeal on the basis that permission is sought retrospectively for the extension that has been constructed and permission is sought for the change of use that has not been implemented.

3. The Council has confirmed that it has no concerns in respect of the proposed change of use of the domestic accommodation to a consulting room and I concur with its assessment in this regard. I find that the change of use is clearly severable both physically and functionally from the single storey extension to the outbuilding and I have dealt with it accordingly.

Main Issue

4. The main issue is the effect of the single storey extension to outbuilding on the character and appearance of the host dwelling and the area.

Reasons

5. Woodleigh is a substantial imposing 2 storey detached dwelling. It occupies an elevated position and it is set back in a large plot with a formal terrace and lawned garden area to the front. The vehicular access to the side leads to an extensive area of hardstanding to the rear of the property and to a detached 2 storey building including a garage and first floor domestic accommodation. The property is in a predominantly residential area, on the opposite side of Vicarage Road to Headfield Junior School and there is an extensive area of wooded open space to the east of the appeal site.

6. The outbuilding subject of this appeal is in the front garden and it extends along one side boundary between the terrace and Vicarage Road. The front elevation of the outbuilding is higher than the adjoining terrace and it is finished in stone with domestic decorative windows to match the appeal property. There is a central large opening, constructed to house the roller shutter door that is illustrated on the submitted plans.

7. By virtue of its size and scale and its location to the front of the property, the outbuilding is a prominent and conspicuous feature. It does not relate well to the dwelling or to the terrace against which it abuts. Moreover, the proposed large central roller shutter door would be out of keeping with the architectural style and residential character of the dwelling and its domestic front garden. Consequently, although Woodleigh is not a heritage asset, the development detracts from the setting of the dwelling. Furthermore, the development does not respect and it does not make a positive contribution to the townscape character. Irrespective that the original part of the outbuilding included a roller shutter door, this was constructed without the benefit of planning permission and it does not provide a justification for the appeal proposal.

8. The boundary to the street is formed by a stone wall and hedge, and the appellant would be willing to retain a tall roadside hedgerow. The vegetation does provide some screening of the front garden but, given its large size and prominent location, the outbuilding is nevertheless visible from locations to the front and side. In any case, vegetation is not permanent and, while it can help soften and assimilate built development into its surroundings, it should not be relied upon to screen inappropriate development from view.

9. Therefore, by virtue of its siting, size, scale and appearance, the extended outbuilding results in significant harm to the character and appearance of Woodleigh and the area. It conflicts with Policy LP24 of the Kirklees Local Plan Strategy and Policies Adopted February 2019. This requires, among other things, that development should promote good design that respects and enhances the character of the townscape. It conflicts with the policies in the National Planning Policy Framework (the Framework) that require development to add to the overall quality of the area, to be visually attractive and sympathetic to local character including the surrounding built environment.

Other Matters

10. My attention has been drawn to an extension at 24 Selbourne Road, that provides additional living accommodation. While the scheme does affect the Vicarage Road street scene, No 24 is an unremarkable dwelling in a small plot. It does not make the same contribution to townscape character as Woodleigh. It does not appear directly comparable and it is not a justification for the appeal scheme, which I have considered on its own merits.

11. There were 2 third party representations, one in support and one objecting on grounds relating to the change of use and the extension to the outbuilding. As can be seen from my decision, I find that the change of use would be acceptable, but the extension to the outbuilding would not.

Conditions

12. The Council has suggested planning conditions, in the event that the appeal was allowed. I have assessed these against the tests in the Framework. Condition specifying the time limits and the approved plans are necessary in the interests of certainty.

Conclusion

13. For the reasons set out above, I will therefore issue a split decision, dismissing the appeal insofar as it relates to the single storey extension to the outbuilding but allowing the appeal insofar as it relates to the change of use of domestic accommodation to a consulting room, subject to conditions.

Sarah Manchester

INSPECTOR