The Planning Inspectorate

Appeal Decision

Site visit made on 1 December 2020

by J Hunter BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18th January 2021

Appeal Ref: APP/Z4718/W/20/3257922
300 New Hey Road, Oakes, Huddersfield HD3 4GQ

- 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 Nadeem against the decision of Kirklees Metropolitan Borough Council.
- The application Ref 2020/62/90623/W, dated 26 February 2020, was refused by notice dated 15 May 2020.
- The development proposed is described as erection of 1 new dwelling within the curtilage of 300 New Hey Road, Salendine Nook.

Decision

1. The appeal is dismissed.

Main Issues

2. The mains issues are i) the effect of the proposal on highway safety with reference to parking arrangements ii) the effect of the proposal on the living conditions of existing and future occupiers of no 300 New Hey Road with particular regard to private amenity space and; iii) the effect of the proposal on the character and appearance of the area.

Reasons

Highway safety

3. The parking areas for both the host property and the proposed new dwelling would be accessed via existing openings. An access from New Hey Road would serve no 300 New Hey Road and a second off Hill Top Drive would enable vehicular access to the proposed new dwelling.

4. To the front of the properties there would be an area of hardstanding that would occupy the full width of the site, wrapping around part of the side elevation of the proposed new dwelling. This would provide one off street parking space for no. 300 New Hey Road. However, due to the narrow width and limited space for turning the driveway there would only be sufficient space for one car to park and egress in a forward-facing gear at any one time.

5. The access off Hill Top Drive lies approximately 12 metres north of the junction with New Hey Road. The submitted drawings indicate a parking area parallel to the boundary wall with enough space for one car to park comfortably but with insufficient space to turn a vehicle around within the site.

6. The appellant has provided a swept path analysis drawing that indicates that it would be physically possible to manoeuvre a car into the proposed parking area for the new property. However, I saw during my site visit that the site is on a very steep incline and consequently, I consider that a combination of the incline, proximity to the busy junction and limited space would mean it would be extremely difficult to manoeuvre into the parking area safely. In addition, I note that the appellant has not provided any information in regard to the suitability of the visibility splays at either entrance.

7. There is no parking requirement indicated by the Council and the appellant has submitted evidence that would suggest that car ownership in the locality averages at around 1.15 vehicles per dwelling and cites this evidence plus the accessibility of the site to local services and facilities as the justification for providing one off street carparking space per property. However, one parking space per dwelling would still fall of the average need per dwelling based upon the appellant's evidence.

8. The site is located on a busy thoroughfare and there would be the opportunity for residents to use public transport and walk to local services and facilities. Nonetheless, it is not unreasonable to surmise that one or both of the 3 bedroomed properties on the appeal site would have more than one car and therefore require additional parking. Any additional cars associated with the development or indeed the cars of visitors would need to park on the street which given the topography of the site and proximity to the junction would further impinge visibility particularly when using the entrance off Hill Top Drive.

9. Consequently, I consider the proposed parking arrangement would be inadequate and would lead to the displacement of vehicles onto the highway which in turn would have an inacceptable impact on highway safety. The proposal would therefore fail to accord with Policies LP21 and LP22 of the Kirklees Local Plan (2019) KLP. These policies aim to ensure that new developments incorporate flexibly designed car parking layouts that have adequate visibility to allow the development to be accessed safely.

Living conditions

10. The proposed dwelling would occupy a vast proportion of the external space that is currently associated with 300 New Hey Road. The majority of the remaining space would provide parking and there would a small rear garden for each property.

11. I undertook my site visit during early afternoon on a winter's day and whilst I accept that this represents a snapshot in time, I saw that the rear garden area of no. 300 New Hey Road was partially shaded by the existing property. This would be exacerbated by the introduction of the proposed new dwelling which would sit south east of the proposed garden area.

12. Acknowledging that the only other external space afforded to no 300 New Hey Road would be given over to parking, the rear garden would be the only available space to provide for a household's requirements, namely sitting out, drying clothes and child's play etc. Owing to the proximity and orientation of the proposed dwelling the space would feel enclosed and for large parts of the day be it would be in shade. I therefore do not consider that the outside amenity space for 300 New hey Road would be acceptable in living conditions terms.

13. For the collective reasons outlined above, I conclude that the development would not accord with KLP Policy LP24 (f) which requires that proposals provide a high standard of amenity for future and neighbouring occupiers.

Character and appearance

14. The appeal site comprises a two storey semi-detached house with a single storey detached garage set back towards the rear of the site. There are small garden areas to the front and rear and a large area of hardstanding to the side. The property stands on a prominent, open corner site at the junction of New Hey Road with Hill Top Drive.

15. The surrounding area is characterised by a broad range of property styles and sizes, many of which have been altered and extended. The appeal site lies at the front of a small residential estate where the majority of houses are either detached or semi-detached although I acknowledge that there are a number of terraced properties in the vicinity.

16. The proposal would see the demolition of the existing garage and the construction of a two storey property on the side of the host dwelling, thus forming a short terrace of three. The new dwelling would be of the similar scale proportion and appearance as the host dwelling and would follow the established building line of both New Hey Road and Hill Top Drive. In this regard the design of the proposed dwelling would be in keeping with the surrounding area.

17. Notwithstanding the above, the introduction of a sizable element of built form on this corner site would diminish the sense of space at the junction that is mirrored on the opposite corner and repeated in various locations in the surrounding area. Furthermore, the additional cars, hardstanding and domestic paraphernalia associated with the additional dwelling would incrementally reduce the sense of spaciousness leading to a cramped and incongruous form of development that would be detrimental to the overall character of and appearance of the area. The proposal would therefore be contrary the character and appearance requirements of KLP Policy LP24 (a).

Conclusion

18. For the reasons set out above and taking into account all other matters I conclude the appeal should be dismissed.

J Hunter

INSPECTOR