



Appeal Decision

Site visit made on 1 February 2021

by T J Burnham BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th February 2021

Appeal Ref: APP/C2708/W/20/3262085

Fairmount, Starkey Lane, Farnhill, Keighley BD20 9AW

- 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 Elliott Exley against the decision of Craven District Council.
 - The application Ref 2020/21468/FUL, dated 26 February 2020, was refused by notice dated 2 September 2020.
 - The development proposed is the demolition of fairmount and the construction of two houses both with parking and a garage.
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Decision

1. The appeal is allowed. Planning permission is granted for the demolition of fairmount and the construction of two houses both with parking and a garage at Fairmount, Starkey Lane, Farnhill, Keighley BD20 9AW in accordance with the terms of the application Ref 2020/21468/FUL dated 26 February 2020 subject to the conditions in the attached schedule.

Procedural Matter

2. The description of the proposal has been altered from the application form to the decision notice. That on the application form adequately describes the proposal and I have determined the appeal on this basis.

Application for costs

3. An application for costs was made by Mr Elliott Exley against Craven District Council. This application is the subject of a separate Decision.

Main Issues

4. The main issue is the effect of the proposal on the character and appearance of the Farnhill Conservation Area (the Conservation Area) and the effect of the proposal on the living conditions of the occupiers of neighbouring dwellings.

Reasons

Character and appearance

5. Fairmount is a modest detached bungalow, set on the steeply sloping Starkey Lane within a plot which is significantly larger than those associated with the terraced housing to the south. The Heritage Advice¹ (HA) to the Council suggests that the existing building, which would be demolished is of very

¹ Heritage Advice: Fairmount 24.3.20 by John Hinchcliffe

- limited architectural quality and I have no reason to disagree. It identifies that the bungalow is located within the more extensive area of mid-late 20th century development which makes a neutral contribution to the Conservation Area. I therefore consider that the removal of the bungalow would have a neutral impact on the character and appearance of the Conservation Area.
6. The very steep roads leading north off Newby Road, including Starkey Lane create distinctive streetscapes of terraced housing which form one of the defining features of the character and appearance of the Conservation Area. One such terrace extends up the hill, terminating immediately to the south of the appeal site.
 7. As opposed to the existing single dwelling, which is angled within the plot, 2no. semi-detached dwellings are proposed. These would be set facing the road and would complement the form and flow of the historic terrace to the south. The dwellings would be set in from the side boundaries and allow for small front and modest back gardens. Their size, scale and massing would be reflective of development within the immediate area. Their falling ridgelines would complement those on Starkey Lane, following the slope of the land and being set above the ridgeline on No.33 to the south and below that on No. 37 to the north. As a result of these factors, the proposal would not therefore represent an over development of the site.
 8. As noted in the HA there is already some restriction in the views from Starkey Lane by reason of the presence of two large trees to the north of the appeal site. While it is suggested that permission is in place to remove these trees, they were present at the time of my site visit and even if approval is in place to remove them, this does not guarantee their loss. In any event, I do not consider that the proposal would significantly restrict views from Starkey Lane from most viewpoints due to the overall topography of the road.
 9. I therefore conclude on this matter that as a result of their design and positioning the dwellings would not detract from the heritage significance of the Conservation Area as they would respect the form of the historic terraced housing to the south. Subsequently, the proposal would preserve the character and appearance of the Conservation Area. There is no conflict with Policy ENV2 of the Craven Local Plan (2019) (CLP) which broadly seeks to conserve or enhance the historic environment of the district nor Policy ENV3 which amongst other things seeks good design which responds to local context.

Living conditions

10. The surrounding properties most likely to be affected by the proposal are identified within the officer report as No's. 33, 37 & 48 Starkey Lane and No. 12 Mary Street (No.12) and although other residents have raised concerns as to the effect of the proposal on their living conditions, I have no reason to disagree with this position.
11. No. 33 is located directly to the south of the site, albeit the main body of the dwelling is separated from the appeal site by the presence of a covered enclosure. Although the southernmost dwelling would be set at a higher level, it would be set in from the boundary and would have no habitable room windows facing the outdoor amenity area to No 33. The proposals would not therefore have a detrimental effect on the living conditions of the occupiers of No. 33 or their ability to effectively use their outdoor amenity space. Further,

- No. 33 is located to the south of the site, therefore the sunlight it receives would not be significantly affected.
12. No. 37 is located to the north of the site on higher ground and incorporates balconies to the south and west elevations. The northernmost dwelling within the appeal scheme would be set significantly further forward than this dwelling, ensuring that the proposals would not unacceptably affect the living conditions of the occupiers of No.37.
 13. In relation to No. 48, the overall facing distance that would be maintained between this dwelling and those proposed would be sufficient to ensure that its occupiers would not experience any significant harm to their living conditions.
 14. The rear garden of No.12 bounds the appeal site to the west. The provision of a suitably robust boundary fence would limit views towards the neighbouring property from the ground floor windows on the rear elevation of the dwellings proposed. The rear first floor rooms within both proposed dwellings would only be served by high level rooflights which would significantly reduce the potential for overlooking towards the rear garden of No.12. Having considered the evidence and viewed the relationship between the appeal site and this property and its rear garden for myself, I am satisfied that the proposal would not significantly adversely affect the living conditions of the occupiers of No.12.
 15. I therefore conclude on this matter that the proposal would result in no unacceptable impact on the living conditions of the occupiers of neighbouring dwellings and would therefore accord with Policy ENV3 of the CLP where it seeks to protect the amenity of existing residents.

Other Matters

16. While every appeal is determined on its own merits, I have had regard to a previous appeal at the site which was dismissed relating to three dwellings Ref: APP/C2708/W/19/3229554. However, material changes have been made to the scheme including the provision of a greater level of boundary treatment facing Starkey Lane and the revision of the design to omit regular first floor windows to the rear elevations. I therefore consider that these changes have overcome the concerns identified by the previous Inspector. The number of dwellings has also been reduced.
17. I have considered objections to the proposals which cite a wide range of concerns on the application including, but not limited to highway safety, access, and disturbance during construction amongst other things. However these matters were considered where relevant by the Council at the application stage and did not form part of the reason for refusal and there is no evidence before me that would lead me to come to a different conclusion to the Council on these matters.
18. Whilst there is concern that the plans have misrepresented the situation at and around the site, I have not been presented with any firm evidence that this is the case. Neither am I presented with any firm evidence that protected species utilise the existing bungalow. In any event the appellant would still be obliged to comply with relevant legislation relating to protected species and this matter was not raised by the Council.
19. I have found no conflict with other CLP policies that have been brought to my attention including policies SP1 and SP4 relating to housing need, and spatial

strategy and housing growth respectively. I have not found conflict with Policy SP3 which indicates that there is some flexibility around housing density and in any event the level of housing proposed is broadly in keeping with what could be expected from the site. I have also found no conflict with Policy INF4 which relates to parking provision.

Conditions

20. Conditions have been suggested by the Council and these are broadly included subject to some drafting changes and simplification. In addition to the standard three-year time limit for commencement, I have imposed a condition requiring the development to be carried out in accordance with the submitted plans and a condition requiring more details on site levels in the interests of certainty.
21. Details of materials are necessary in the interests of the character and appearance of the area, while details relating to the accesses and retention of parking areas are necessary in the interests of highway safety. Details of boundary treatment are necessary in the interests of the living conditions of the occupiers of nearby dwellings, while a condition relating to surface water is necessary to ensure proper drainage of the site.
22. While planning conditions should not be used to restrict national permitted development rights unless there is clear justification to do so, such a condition is necessary in this case. It restricts permitted development rights relating to the enlargement, improvement or other alteration to the dwellings and additions or other alterations to the roofs of the dwellings in order to protect the living conditions of the occupiers of neighbouring occupiers.

Conclusion

23. The appeal should therefore be allowed.

T J Burnham

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Site Plans, Floor Plans, Side Elevations, Front & Rear Elevations & Topographical Survey.
- 3) No development other than demolition shall take place until the following information shall have been submitted to and approved in writing by the local planning authority: a full site survey showing: the datum used to calibrate the site levels; levels along all site boundaries; levels across the site at regular intervals and floor levels of adjoining buildings; full details of the proposed finished floor levels of all buildings and hard landscaped surfaces. The development shall be carried out in accordance with the approved details.
- 4) No development above ground works (slab level) shall commence until details / samples of the materials to be used in the construction of the external surfaces of the dwellings and surfacing within the plots have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details / samples.
- 5) There shall be no excavation or other groundworks, except for investigative works, or the depositing of materials on site until the accesses to the site have been set out and constructed in accordance with details that shall be submitted to and approved in writing by the local planning authority.
- 6) Prior to the first occupation of the site, a scheme which fully details the proposed boundary treatments at the site shall be submitted to and approved in writing by the local planning authority. The boundary treatment shall thereafter be installed at the site prior to the first occupation of the dwelling to which it relates and shall thereafter be retained for the lifetime of the development.
- 7) No dwelling shall be occupied until the parking facilities for that dwelling have been constructed in accordance with the approved drawings. Once created these parking areas shall be maintained clear of any obstruction and retained for their intended purpose at all times.
- 8) Surface water must drain separate from the foul water and no surface water will be permitted to discharge to the foul sewerage system.
- 9) Notwithstanding the provisions of Schedule 2, Part 1, Classes A, B and C of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no enlargement, improvement or other alteration to the dwellings nor additions or other alterations to the roofs of the dwellinghouses shall be made.