



Appeal Decision

Site Visit made on 11 May 2021 by S Witherley CIHCM MRTPI

Decision by Chris Preston BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 June 2021

Appeal Ref: APP/Z4718/D/21/3268474

12 Clarence Terrace, Dewsbury WF12 9JZ

- 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 Mohammed Yayha Patel against the decision of Kirklees Metropolitan Council.
 - The application Ref 2020/62/93834/E, dated 11 November 2020, was refused by notice dated 11 January 2021.
 - The development proposed is erection of double detached garage and store to replace two existing single garages.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached garage and store at 12 Clarence Terrace, Dewsbury, WF12 9JZ in accordance with the terms of the application, Ref 2020/62/93834/E, dated 16 November 2020 and 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: Plan & Elevations, Block Plan Drawing No. 019-P02, November 2020.
 - 3) Prior to the first occupation or use of the hereby approved double garage with storage above, a garage door shall be installed to the front elevation in accordance with details that have first been submitted to and approved by the local planning authority in writing.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matters

3. I observed at the time of my site visit that a structure similar to the proposed garage has been constructed at the appeal site. From what I saw on site, the front elevation of the built structure is different from the proposal as depicted on the submitted drawings and it was not clear how the internal area had been fitted out, or the intended use of the building, given that glazed doors have been fitted, as opposed to garage doors. I cannot therefore be certain that this structure and its dimensions are the same as that of the proposed development. Where an appeal is made under section 78 of the Town and Country Planning Act, it is made against the decision of the Council which is

based on the plans that were submitted with the application. As such, I have determined the appeal on the basis of the drawings that were before the Council and on the description of development which was for a garage and storage building. I shall proceed on that basis. Any matters relating to the existing structure on site would be for the Council to consider.

Main Issue

4. The effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is located to the rear of a row of terraced properties on land which is separated by a small access road. This area provides off street parking and there are a number of domestic garages of various design, scale and massing sited throughout. On accessing the rear lane there is a large three storey Mosque and to the rear of the appeal site is a large open playing field. The character and appearance of the area can therefore be described as mixed, with a variety of buildings of different scale.
6. The appeal site encompasses two parking plots with the proposed double garage, with storage above, covering both. It would be sited toward the rear of the plots, leaving an area of hardstanding to the front. The proposed ridge height, which is depicted on the drawings as 5.1 metres would exceed the height of the neighbouring garages which appear to be of a lower height. Its proposed design and materials appear in the main to be of a good high standard. However, whilst the drawings depict a large opening in the front elevation which would be open from the ground floor level to enable vehicle access, the drawings do not depict the proposed style, material or mechanism of the proposed garage door.
7. Nevertheless, whilst the proposed garage would be larger in both footprint and height than the neighbouring garages, its overall scale and massing would not appear incongruous within the area, particularly as it would be seen in some views against the foreground of the three storey Mosque. The lack of uniformity throughout the existing neighbouring garages, one of which covers the length of the plot, ensures that the proposal would integrate into the areas mixed character without causing significant harm.
8. The proposed garage would not therefore cause harm to the character and appearance of the area and as such accords with Policy LP24 of the Kirklees Local Plan Strategy and Policies (2019) (LP) which seeks proposals to respect and enhance the areas character. The National Planning Policy Framework is consistent with these aims and seeks developments to contribute to the overall character and quality of an area.

Other Matters

9. A number of representations have been received which either support or object to the proposal with a significant number making reference to the structure that has been built on the site. I have dealt with matters relating to the main issue in this appeal, which is the character and appearance of the proposed garage, as depicted on plans submitted to the Council. As set out above, any matters relating to the design and/or use of the existing unauthorized building on the site would be for the Council to consider. Any issue relating to

encroachment of land is a private matter that I cannot consider as part of this appeal.

Conditions

10. I have attached the time limit condition for the proposed garage to be built within and have specified the approved plans as this provides certainty. In addition, I have attached a condition which seeks the details of the design and materials of the double garage door located on the front elevation of the proposed garage as this is considered reasonable and necessary to protect the character and appearance of the area.

Conclusion and Recommendation

11. For the reasons given above and having had regard to all other matters raised, it is recommended that the appeal should be allowed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

12. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, I agree with the recommendation and shall allow the appeal.

Chris Preston

INSPECTOR