



Appeal Decision

Site Visit made on 10 August 2021

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 September 2021

Appeal Ref: APP/Z4718/W/21/3275357

Land adjacent number 7 Seymour Walk, Meltham, Holmfirth, HD9 4BP

- 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 John Hardy against the decision of Kirklees Metropolitan Council.
 - The application Ref 2020/62/91325/W, dated 4 May 2020, was refused by notice dated 4 December 2020.
 - The development proposed is a new dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The revised National Planning Policy Framework (The Framework) was published on 20 July 2021 and the main parties have been given the opportunity to make comment on this in relation to the appeal.
3. The appeal is accompanied by an Arboricultural Report & Impact Assessment (ARIA) that was not provided at planning application stage. As it is apparent from the correspondence received that the Council, their Tree Officer and interested parties have taken the opportunity to comment on this during the appeal process, I will have regard to it in my decision.

Main Issues

4. The main issues are the effect of the proposed development on (i) the character and appearance of the area and (ii) protected trees.

Reasons

Character and appearance

5. The appeal site consists of two parcels of land separated by a footpath, these being firstly an area of land adjoining 7 Seymour Walk which is enclosed by established hedging on three sides and secondly a smaller unenclosed area of mown grass. Whereas No 7 forms the end of a row of dwellings laid out in a linear form, the existing dwellings to the other side of the appeal site are set back from the road at various angles and are accessed by a short private drive. This arrangement and the presence of green space alongside the private drive and footpath, of which the appeal site forms part, defines the character and appearance of the area and makes a positive contribution to it.

6. The proposal would result in an encroachment into, and the loss of, a substantial part of this green space due to its built form and its associated residential curtilage, to the detriment of the character and appearance of the area. The open aspect of the surrounding area would mean that the development would be prominently located within the street scene and this would increase the visual harm that would arise. Furthermore, the proposed dwelling would be set back beyond the generally consistent line in which No 7 and its adjacent dwellings sit relative to the public highway. This would mean that the proposal would neither reflect the layout and positioning of these dwellings nor those to its other side boundary which are set well back from the road, thus resulting in an incongruous and awkward layout in relation to the existing development in the area.
7. The proposed dwelling has been designed to reflect the general characteristics and appearance of the existing dwellings closest to it and could utilise appropriate external facing materials. It would, however, have a notably narrower front elevation which would set it at odds visually with these properties and give the impression of it being a more cramped form of development in relation. Whilst there are narrower fronted dwellings near to the appeal site, these are of differing designs and configurations compared to that which is proposed for the appeal dwelling. There would therefore be a clear inconsistency in the visual impact, notwithstanding that the plots themselves may have similar widths.
8. The proposed parking area would occupy the unenclosed parcel of land to the other side of the footpath, meaning that it would be visually isolated and detached from the proposed dwelling. It too would have a prominent position in the street scene, again due to the open aspect of its surroundings. The presence of vehicles in such a circumstance would appear visually odd and dominant within the street scene, thus adding to the harm caused by the proposed development.
9. As a result of these factors, I conclude that the proposal would cause significant harm to the character and appearance of the area. Consequently, the proposal would fail to accord with Policy LP24 of the Kirklees Local Plan Strategy and Policies 2019 (LPSP), where it aims to protect character and appearance. There would also be a conflict with The Framework, where it seeks to achieve well-designed places and with the National Design Guide 2021 in the same regard.

Trees

10. There are four trees located within the curtilage of 7 Seymour Walk that are adjacent to the boundary with the appeal site and which are subject to tree preservation orders. These trees make a significant and positive contribution to the visual amenity of the area. Conflicting opinions, in the form of the appellant's ARIA, the comments of the Council's Tree Officer and an Arboricultural Appraisal submitted by interested parties are before me as to the impact that would be had on these protected trees as a result of the proposed dwelling.
11. Based on my own observations, T2 would be likely to over sail the footprint of the proposed dwelling if only branches below 5 metres were to be removed as is suggested by the ARIA. This does not appear to be a practical long-term situation and there is considerable uncertainty as to whether it would be

possible to construct the proposed dwelling without a substantial reduction of the crown of T2 taking place. Furthermore, this scenario fails to anticipate the impact that would arise from the future regrowth of the tree and may not allow adequate space for its natural development in the future.

12. On the basis of the information before me there is also considerable doubt that the amount of incursion into the Root Protection Area (RPA) of the protected trees, in particular on consideration that their RPAs are already likely to be affected by other existing built development, would allow the trees in question to remain viable in the future. Whilst suggestions have been made as to construction techniques that could be utilised, these fail to demonstrate with any confidence that there would not be harm to the trees due to the substantial works that would take place in their RPAs.
13. The proximity of the protected trees would cause a substantial degree of shading during the earlier parts of the day. This shading may be worsened by their future growth and is likely to cause a degree of conflict between the presence of the trees and occupiers of the proposed dwelling. This may lead to pressure to inappropriately prune the trees, or to remove them in their entirety.
14. In conclusion, I am not persuaded that the proposed development could be accommodated on the appeal site without causing harm to the protected trees located adjacent to it or as a result of putting undue pressure on their future form and retention. Consequently, the proposal would fail to accord with Policy LP33 of the LPSP, where it seeks to ensure the retention of trees that make a contribution to public amenity.

Other Matters

15. The Government's objective is to significantly boost the supply of housing and the proposal would provide a modern home in a location with adequate access to services and facilities. However, as only one new dwelling would result, this contribution would be very modest and therefore I can afford only limited weight to the benefits of the delivery of new housing that would arise as a result of the appeal proposal.

Planning Balance & Conclusion

16. The proposed development would cause significant harm to the character and appearance of the area and has the potential to cause harm to protected trees, with the resultant harm to public amenity. This means that the proposal would fail to accord with the development plan taken as a whole. Whilst there would be a benefit to the supply of housing, this does not outweigh the harm I have found.
17. Therefore, there are no material considerations, including The Framework, that indicate that a decision should be made other than in accordance with the development plan and I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR