



Appeal Decision

Site visit made on 3 November 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 07 December 2021

Appeal Ref: APP/Z4718/W/21/3274179

Land adjacent to 4 Springwell View, Birstall, Batley WF17 0DN

- 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 Jack Prescott against the decision of Kirklees Metropolitan Council.
 - The application Ref 2020/62/91111/E, dated 9 April 2020, was refused by notice dated 31 March 2021.
 - The development proposed is described as demolition of an existing garage and construction of a two bedroom house.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I have used the address provided in the appeal form and decision notice in the heading above as this more clearly describes the site location than that provided on the application form. In addition, the description of development set out above is taken from the application form. The proposal was amended during the course of the application, and the revised scheme comprises a one-bedroom dwelling. The Council dealt with the proposal on this basis and so shall I.

Main Issues

3. The main issues are, the effect of the proposed development on:
 - The character and appearance of the surrounding area;
 - The living conditions of the occupiers of 2 and 4 Springwell View, having regard to outlook; and
 - Highway safety.

Reasons

Character and appearance

4. The surrounding area is characterised by residential properties which are primarily terraces. There are also some semi-detached and detached dwellings within the local area. I observed on my site visit that detached dwellings were generally situated within larger plots and there was some variance in the architectural style of buildings in the surrounding area.

5. The appeal site comprises a garage and overgrown vegetation which is adjacent to South View and the terraced properties located on Springwell View. The garage is currently in poor condition and local residents have highlighted that it is vulnerable to fly tipping.
6. The appeal site forms part of the gap between the private amenity space of properties within Springwell View and Alexandra Avenue which is characterised by parking spaces and garages. The proposed development would visually be seen within primarily the context of that area and the terraced properties within Springwell View.
7. Although the dwelling would be set in from the road and the scheme was reduce to a one-bedroom dwelling, it would be clearly visible from the surrounding area, particularly from South View. The proposal would harmfully change the character and appearance of the area because it would have a poor relationship with the surrounding area and would not reflect the orientation of the terraced dwellings within Springwell View or their character and appearance. In addition, it would not reflect the character of the gap between Springwell View and Alexandra Avenue. Consequently, the dwelling would result in an incongruous addition and would be out of keeping with the established character of the area.
8. The scheme only proposes glazing to the front and rear elevations of the dwelling. The side elevations, which would be visible from the surrounding area and greater in length than the front and rear elevations, would contain minimal architectural detailing to break up the blank elevations and massing of the building. Thus, the scheme would neither respect or enhance the character of the area due to its detached nature, siting and design.
9. For the reasons given above, the proposed development would cause harm to the character and appearance of the surrounding area. Therefore, it would conflict with Policy LP24 of the Kirklees Local Plan: Strategy and Policies (2019) (LP). This policy seeks, amongst other matters, to promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the area. It would also not comply with chapter 12 of the National Planning Policy Framework (the 'Framework') which seeks to promote good design and requires new development to be visually attractive and sympathetic to local character.

Living conditions

10. The proposed dwelling would be in close proximity to 2 and 4 Springwell View. The dwelling would be significantly larger than the existing garage. Nos 2 and 4 have windows which would face towards the proposed dwelling. Their modest, main garden areas are also close to the appeal site. I recognise that the height of the dwelling has been reduced to minimise its impact upon the occupiers of these properties.
11. Given the limited gap between the proposed dwelling and Nos 2 and 4's windows, and due to the proposed dwelling's height and scale, the proposal would result in the outlook from these properties being considerably compromised. The development would appear visually overbearing which would result in the occupiers feeling hemmed in when looking out of their windows. For the same reasons, the scheme would have an intrusive and oppressive effect upon Nos 2 and 4's modest gardens.

12. Accordingly, the proposed development would adversely affect the living conditions of the occupiers of Nos 2 and 4, having regard to outlook. Consequently, it would conflict with Policy LP24 of the LP which seeks to promote good design by ensuring proposals provide a high standard of amenity for neighbouring occupiers. It would also conflict with section 12 of the Framework which requires new development to provide a high standard of amenity for existing and future users.

Highway safety

13. The development proposes a one-bedroom dwelling and one parking space with access onto South View which is an unadopted road. South View is a relatively narrow road on an incline with no footpath and there is an insufficient width to allow two vehicles to pass. The access from South View onto Leeds Road is also narrow with no footpaths and poor sightlines. Local residents have highlighted that there are issues with access and parking within the local area.
14. Although construction would cause some disruption this would be temporary. The number of trips generated from the proposed one-bedroom dwelling would be low. The vegetation adjacent to the appeal site would restrict visibility to and from the site. Nonetheless, South View is not a busy road and given the nature of the road, including the topography and width, vehicles are unlikely to be travelling quickly.
15. I observed on my site visit that the appeal site was overgrown and therefore cannot currently be safely used for parking. Thus, given the existing situation, the proposal would not result in a loss of off-street parking facilities to Nos 2 and 4.
16. Having regard to the appellant's Highways Supporting Statement, one parking space for a one-bedroom dwelling would be a satisfactory level of parking, particularly in an accessible location such as this where future occupiers can walk to local services and facilities and there is a good bus service. I do not consider a dwelling of this size, in this location, would significantly increase on-street parking in the local area. Consequently, considering the features of the surrounding roads and given that the development proposes a one-bedroom dwelling, in an accessible location, with a parking space, the impact on the highway network would be negligible and would not result in an intensification of the highway to warrant refusal.
17. For the reasons given above, based on the evidence presented, the proposed development would not have an unacceptable impact on highway safety. Accordingly, the scheme would comply with Policy LP21 of the LP which seeks, amongst other matters, to ensure proposals take into account the features of surrounding roads and footpaths and provide adequate layout and visibility to allow the development to be accessed safely. It would also comply with the Framework which states that development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe.

Other matters

18. The appellant refers to other infill properties and planning approvals within the local area. Extremely limited information has been submitted regarding those

cases. However, the infill properties I observed on my site visit, for example on Roebuck Street, were in keeping with the surrounding area. In any event, I have determined the appeal on its individual merits.

Planning Balance and Conclusion

19. Although the proposed development would not have an unacceptable impact on highway safety, it would cause harm to the character and appearance of the surrounding area and would adversely affect the living conditions of the occupiers of Nos 2 and 4 to which I attach significant weight. The benefits associated with the appeal scheme would be extremely small due to its scale. The benefits do not outweigh the deficiencies that would arise as a result of the conflict with the development plan as a whole and there are no other material considerations, including the Framework, that outweigh this conflict.
20. For the reasons given above, the appeal is dismissed.

L M Wilson

INSPECTOR