



Appeal Decision

Site visit made on 12 January 2022

by David Murray BA (Hons) DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 January 2022

Appeal Ref: APP/Z4718/W/21/3281914

Land at Cobden Close, Batley, WF17 5QN.

- 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 I Motala against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref. 2021/62/91721/E, dated 26 April 2021, was refused by notice dated 23 July 2021.
 - The development proposed is the erection of a self-build detached dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the development proposed on the character and appearance of the area and whether the new house would integrate well with adjacent land, as well as be an efficient use of the site.

Reasons

Background

3. The appeal site lies at the end of an existing short cul-de-sac with two pairs of semi-detached houses and a rear garage court for flatted housing facing Wellington Street. The site is open and vacant and at the time of my visit only contained a shipping container. It forms part of a larger area of open land to the east which is used informally for parking and lies alongside Providence Street. Much of the appeal site forms the access to this land. The surrounding area is characterised by a mix of uses including a large school and mixed forms of residential development.

Effect on character and appearance

4. The site lies in a built up area and the Council confirms that there is no objection in principle to new housing development.
5. In townscape terms I am satisfied that the building bulk proposed would reasonably fit in with the immediate surroundings of the site and would not be out of scale with the existing 'semis', the garage court or the single storey development to the north which would be separated by the proposed garden. The fact that the house proposed would not have a pavement in front of it at the end of the cul-de-sac is not critical in visual terms. There is a footway on the northern edge of the cul-de-sac which provides a degree of enclosure to the space and a pedestrian route north. However, I am concerned that the siting of the new house would block off the

present access to the vacant land to the east. No doubt alternative access to Providence Street could be achieved but there is no scheme before me, even in principle, to show how this could be undertaken, and I share the Council's misgivings about the land being redeveloped in a piecemeal fashion. There is no certainty that the overall appearance of the adjoining land in the long term could be enhanced with an acceptable form of development.

6. Added to this is the cramped nature of the house proposed on the limited depth of the site. Although the proposed house would have a small garden to the side, the rear wall (east facing) of the house would be less than 1 metre away from the rear boundary of the site. This means that the aspect from some of the windows in the ground floor kitchen and dining room would look directly into the proposed 1.8m high boundary wall/fence and have very limited outlook. Moreover, the east facing bedroom windows at first floor would have very limited space to the site boundary and would rely on land outside of the appellant's control for light and aspect. This would prejudice the potential redevelopment of the adjacent vacant land and would result in the proposed dwelling appearing cramped in its surroundings.
7. These aspects mean that the house proposed would have a harmful effect on the character and appearance of the area and would not enhance it, contrary to the provisions of part (a) of Policy 24 of the Kirklees Local Plan.

Whether an efficient use

8. Notwithstanding the above issue, the Council indicates that the proposal to develop a single dwelling would not be an efficient use of the land and suggests that a pair of smaller semi-detached properties may do so. However, in the absence of any specific evidence on local housing need, and bearing in mind the limitations of the extent of the site and its relationship with adjoining land, I am not convinced that a pair of 'semis' could reasonably fit on the site or be a more efficient use than a detached property with three floors of accommodation. I find that the proposal does not conflict with the National Planning Policy Framework in terms of making effective use of land.

Planning balance

9. On the main issues I have found that the proposal would harm the character and appearance of the area as the detached dwelling proposed would appear cramped on the site and the piecemeal approach would prejudice the redevelopment of a wider area of land in the long term. This harm and the conflict with the development plan that arises from it has to be balanced with other considerations.
10. The proposal for a self-build house would be the development of a site in a sustainable location and make a small contribution to the supply of new houses which the government seeks to significantly boost. However, these benefits are very general and do not outweigh the local harm or policy conflict that I have identified and this indicates that the appeal should be allowed.

Conclusion

11. For the reason given above I conclude that the appeal should be dismissed.

David Murray

INSPECTOR