



Appeal Decision

Site visit made on 1 February 2022

by K A Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 February 2022

Appeal Ref: APP/Z4718/D/21/3284134

2 Doctor Lane, Shelley, Huddersfield HD8 8HQ

- 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 Dr Triggs against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/62/91921/E, dated 6 May 2021, was refused by notice dated 5 August 2021.
 - The development proposed is a detached potting shed and home office in the garden of the host dwelling.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the host property and surrounding area.

Reasons

3. The appeal site relates to a parcel of garden land to the east of a detached Victorian dwelling within a substantial plot. The area is predominantly residential and characterised by a mix of property types constructed in stone with traditional detailing and stone boundary walls. Despite some variation in form, the properties in the area present a discreet arrangement that appreciably contributes towards the local character.
4. The proposed outbuilding would have a smaller footprint and height than the host property, however, it would still be of an excessive size in terms of its width, length and height being two-storey. Despite, there being circulation space between the proposal and the host property. Due to its prominent siting within the plot, adjacent to the highway and that it would be positioned further forward than the existing building line. It would appear as an incongruous, awkward, dominant addition within the street scene and would not appear subservient to the host property.
5. Furthermore, this would be exacerbated by the overall contemporary design, reflective of a box style building, with a balcony, large glazed openings and a mix of materials that would not be similar or respond to the traditional architectural style, detailing or character of the host property and surrounding dwellings. Therefore, the proposal would not respect, nor enhance, the character of the townscape and be sympathetic to the local character.

6. In addition, given the rising topography of the area from north to south, and the height of the boundary wall. There would be little screening to prevent views of the outbuilding from the Lane itself, and entrance point of Doctor Lane from Huddersfield Road. As I observed, at the time of the site visit there would clearly be views of the proposed outbuilding from looking down upon the appeal site along Huddersfield Road, and these views would be noticeable. As such, there would be no protected views of the proposal, and it would appear as an excessively large structure, out of context within the plot and to the detriment of the immediate and wider character and appearance of the area.
7. For the reasons given above, I conclude that the proposed development would be harmful to the character and appearance of the host property and surrounding area. It would be contrary to Policy LP24 of the Kirklees Local Plan, 2019. This policy amongst other things, requires proposals to promote good design by ensuring the form, scale layout and details respects and enhances the character of the townscape, extensions are subservient to the original building and in keeping with existing buildings.
8. I also find it would be at odds with the guidance in the House Extensions and Alterations SPD, 2021, Section 5.6 Outbuildings. This advises that outbuildings should reflect the style, shape and architectural features of the existing house and not be detrimental to the space around the building. Be subservient of scale and be set back behind the building line of the original building so they do not impact on the street scene.
9. Moreover, it would be in conflict with the National Planning Policy Framework, (the Framework) Chapter 12, which requires developments to be visually attractive as a good result of good architecture, layout and are sympathetic to local character. Development that is not well designed should be refused, especially where it fails to reflect local design policies and taking account of any local design guidance and supplementary planning documents.

Other Matters

10. My attention has been drawn to a previous planning permission¹ for the wider site. Granted in 1999, for the erection of a detached bungalow with integral garage and detached house with integral garage. The bungalow has been constructed but not the house. I have no substantive evidence to indicate that there is a significant probability that the fallback would be constructed should this appeal be dismissed. The sales particulars include floor plans with an advisory that the sketch plans are for illustrative purposes only. This limits the weight that I can attach to it as a fallback position.
11. In regard to ownership issues, maintenance of boundary walls, hedges and vegetation, these are private matters between the relevant parties and not within my jurisdiction. Planning permission would not override any legal rights of access.
12. The proposed development would not cause any harm to the living conditions of neighbouring properties including being overbearing, overlooking and in respect of highway safety. I acknowledge the appellant's desires and aims to achieve a Passivhaus standard, be energy efficiency and of a modern standard

¹ 99/91010

of construction. However, these considerations are not sufficient to outweigh the harm I have identified.

Conclusion

13. The proposal conflicts with the development plan as a whole and there are no other considerations, including the provisions of the Framework, which outweigh this finding. Therefore, for the reasons given, the appeal should not succeed.

K A Taylor

INSPECTOR