



Appeal Decision

Site visit made on 15 February 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 04 March 2022

Appeal Ref: APP/Z4718/W/21/3286826

30 Clough Park, Fenay Bridge, Huddersfield HD8 0JH

- 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 S Wilkinson against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/92121/W, dated 21 May 2021, was refused by notice dated 28 September 2021.
 - The development proposed is 'Demolition of an existing garage and the erection of 1 No. two-storey dwelling at 30, Clough Park, Fenay Bridge, Huddersfield, HD8 0JH'.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - highway safety
 - the character and appearance of the locality
 - the living conditions of prospective occupiers of the development.

Reasons

Highway safety

3. The site consists of a 2-storey detached dwelling and garage set within a residential estate. The plot lies between 2 frontages on a looping estate road set on a hillside. The existing house faces the upper part of the estate road whilst the garage and a paved hardstanding, which would make way for the proposed development, address the lower section.
4. Most of the properties on the estate benefit from a combination of side driveways, garages or forecourt areas to provide off-street vehicle parking. The majority provide for the linear parking of 2 vehicles. The proposal would provide 2 side-by-side spaces. These would be accessed in a similar manner to the existing garage and parking area.
5. The redevelopment of the garage and paving would remove the existing parking provision for 30 Clough Park. No30 currently has no existing vehicular access on the upper part of the road. The house is set some way below the corresponding street level and behind a short terraced front garden. Unlike neighbouring properties, it does not have space at the side of the building to accommodate vehicles. Whilst I recognise that agreement to provide a dropped

kerb at the site has been secured, there is little detail of how off-street parking would be provided in practice.

6. Given the level changes and relatively short front garden area it is unclear whether provision could be adequately achieved, what effects it may have, or, if the likely extent of works necessary to provide it would require a further planning permission. It is not therefore possible to establish if a policy compliant form of parking could be provided on that part of the site.
7. At the time of my site visit, albeit a limited snapshot in time, there were several vehicles parked on the street. The carriageway width is limited such that, irrespective of their size, vehicles were parked over the footways to provide sufficient space for other vehicles to pass. Accordingly, any increase in on-street parking would almost certainly impede footway users and reduce visibility between drivers and those potentially needing to cross the road or circumvent obstructions on the pavements. This risk would be increased due to the proximity of No30 to the bend in the road.
8. I note that the location is one identified for growth and benefits from public transport and other sustainable travel modes. However, the lack of demonstration that the proposal would not exacerbate levels of on-street parking and increased obstruction of the footways leads me to the conclusion that highway safety in the vicinity of the existing dwelling would be compromised.
9. The imposition of a planning condition requiring parking to be provided at No30 is unlikely to pass the test of reasonableness as it could nullify any benefit of a permission it might be attached to. In those circumstances, it would not be possible to dispose of the matter and the highway safety concerns could not be addressed.
10. For those reasons, I find the proposal would conflict with Policies LP21 and LP22 of the Kirklees Local Plan (the LP) as they require adequate information and full details of the design and levels of proposed parking provision to avoid a detrimental impact on highway safety and the local highway network, to take account of local car ownership and the adjacent road and footpaths, and to ensure the safe use of the highway.

Character and appearance

11. The estate consists of a number of house types and designs. The gabled dwellings, generally finished in brick and/or stone, incorporate cladding or rendered panels and are mostly of between 1 and 2 storeys. The buildings are set behind gardens with low front walls with private amenity spaces to the rear. The local topography results in some buildings being set below the level of the adjacent road whilst others sit above it. Some feature lower parking levels incorporated into the buildings facilitated by the inclined land.
12. The scheme includes the excavation of the site to accommodate an L-plan, 2-storey dwelling with parking to the front and gardens to the side. The building, finished in brick and tile with timber feature panels, would have a projecting gable at a similar height to the existing garage building. The design would incorporate large openings and a flat-roofed ground floor projection to the recessed element of the front elevation.

13. The proposal would subdivide the existing plot to create 2 small plots. These would be smaller than most in the locality. Nevertheless, having regard to the range of plot sizes and the various arrangements of development locally, the scale of the building on the site would not appear at odds with the local mixed grain of development.
14. The building would be set back behind a forecourt and a small garden area as others are. The excavation of the site would result in the dwelling being set below the level of the road and into the slope of the ground. The building would reflect the design and finishes of other buildings in the locality. It would nestle within its site such that it would not appear unduly prominent. In the context of other buildings set on more than one level between their front and rear elevations, or with build-ups, terraces or retaining walls, I find that the proposal would not appear out of place in the Clough Park streetscene.
15. The back-to-back distance between the proposal and No30 would be limited and there would be a minor conflict with the advice in relation to the proximity of dwellings to their boundaries as set out in the Council's Housebuilders Design Guide [2021] (the SPD). However, notwithstanding the relatively short distance between the buildings, a sense of space between them would be retained. In relation to No30, the significant difference in the ground levels and subsequent ridgelines would preserve a sense of openness. The side spaces and offset positions of the buildings within the neighbouring plots would also maintain visual gapping similar to that found elsewhere on the road.
16. I acknowledge that there would be a minor conflict with the development plan in relation to guidelines for the arrangement of new development, however, the proposal would preserve the prevailing character and appearance of development in the locality. It would thereby be consistent with Policy LP24 of the LP, the SPD and the National Planning Policy Framework (the Framework) as they seek high standards of design that respond to their locations and context.

Living conditions

17. The proposal includes a terraced garden area adjacent to the side gable and landscaped areas to the front side of the building. This would provide opportunities for creating private amenity space and it would be located where it would receive direct sunlight and shading to facilitate outdoor seating, play or drying space. Although the areas are limited, they would be commensurate with the scale of accommodation proposed.
18. As an area which currently forms part of the garden of No30 and sits alongside the garden of 32 Clough Park, the proposed arrangement would not appear at odds with that of existing amenity spaces. Accordingly, I find that the proposal would align with Policy LP24 of the LP, the SPG and the Framework as they seek high standards of amenity for prospective occupiers.

Other Matters

19. The proposal would deliver an additional housing unit and contribute to housing mix at a time when new housing delivery has slowed due to the effects of the pandemic. It would make effective use of the site in an area identified for growth and could be delivered to the market quickly. However, the benefits

arising from a single additional unit would be limited and would not outweigh the identified harm to highway safety in the vicinity of the existing dwelling.

20. I recognise that the proposal could be delivered without harm to nearby residential amenity. It could be built whilst preserving biodiversity interests and to a high standard, including the incorporation of energy efficient construction measures and the facilitation of the use of electric vehicles. However, as requirements of the development plan, these are not benefits in favour of the proposal.

Conclusion

21. Whist I have found in favour of the appellant in respect of the appearance and standard of accommodation, these matters do not outweigh the significant harm to users of the highway arising from the displacement of parking provision for the existing dwelling at No30. I therefore conclude that the appeal should be dismissed.

R Hitchcock

INSPECTOR