



Appeal Decision

Site visit made on 22 February 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14 March 2022

Appeal Ref: APP/Z4718/D/22/3290361

36 Larch Road, Paddock, Huddersfield HD1 4JH

- 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 Abdul Rehman against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/62/93762/W, dated 1 September 2021, was refused by notice dated 23 December 2021.
 - The development proposed is domestic garage.
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Decision

1. The appeal is allowed, and planning permission is granted for domestic garage at 36 Larch Road, Paddock, Huddersfield HD1 4JH in accordance with the terms of the application, Ref 2021/62/93762/W dated 1 September 2021 and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan 1:1250 dated 5.10.21, Proposed Block Plan 1:500 dated 7.12.21, Proposed elevation dated 7.12.21.
 - 3) The materials to be used in the construction of the external surfaces of the proposed garage and the retaining wall shall match those of the main house.
 - 4) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed garage, in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Main Issues

2. The main issues are the effect of the development on (i) the character and appearance of the area, and (ii) the living conditions of the occupiers of No 34 Larch Road with regard to dominance and outlook.

Reasons

Character and appearance

3. The appeal property is a stone built, end of terraced house which has been extended to the side. The property is located on the corner of Larch Road and

North Street with a vehicle access from North Street to a sectional concrete garage at the back of the plot.

4. Properties of various designs facing Larch Road and Fir Road have their side elevations, side boundaries, garages, and driveways adjacent to the North Street frontage. The replacement garage at the appeal property would be set back behind the side elevation of the house and its size, siting, and materials would not appear unsympathetic or incongruous with the variety of surrounding development; nor would it be prominent in the street scene.
5. I accept that normally outbuildings should be subservient to the original house. However, considering that the proposed garage would replace an existing structure in a similar position, and would appear subservient in footprint and scale to the house as existing, the development would not be harmful to the space around the building or its architectural features.
6. Therefore, the proposal would not harm the character or appearance of the area and would accord with Policy LP24 of the Kirklees Local Plan Strategy and Policies adopted February 2019 (KLP) which promotes good design that ensures the form, scale layout and detailing of all development respects and enhances the character of the townscape. It would also comply with the House Extensions and Alterations SPD (SPD) June 2021 where it seeks to ensure that outbuildings reflect the style, shape and architectural features of the existing house and are not detrimental to the space around the building.
7. The proposal would accord with the National Planning Policy Framework (the Framework) where it seeks to ensure that development would add to the overall quality of the area and be sympathetic to local character.

Living conditions

8. There is an existing pedestrian right of way across the appeal site which extends through the middle of the rear garden areas of the properties within the terraced row. The neighbouring property, No 34 Larch Road, has a small garden area next to its rear elevation with the area beyond the pedestrian access largely occupied by a range of wooden outbuildings. The proposed garage would be sited next to the joint boundary with No 34, adjacent to the existing outbuildings and next to the pedestrian right of way. The garage would be seen at an angle from the rear windows and rear garden of No 34.
9. Due to the orientation of the appeal site, the surrounding land levels, and existing outbuildings, the proposed garage would not have a harmful effect on the light levels into the rear of No 34. Further, because views of the garage would be oblique and partially obscured by the existing outbuildings, the proposal would not appear oppressive or otherwise dominate the neighbouring property.
10. Consequently, the garage would not detract from the living conditions of the occupiers of No 34 Larch Road. There would be no conflict with Policy LP24 of the KLP where it requires a high standard of amenity to be maintained for neighbouring occupiers. Nor would there be conflict with the SPD, which seeks to resist development that would result in the loss of natural light and that would unduly reduce the outlook from neighbouring properties. The proposal would accord with the Framework which seeks to ensure that development creates places with a high standard of amenity for existing and future users.

Conditions

11. In addition to the standard time limit condition, for clarity, a condition is necessary to ensure that the proposed development is carried out in accordance with the approved plans. In the interests of the character and appearance of the area, conditions requiring the external materials to match the existing dwelling and requiring details of the finished floor levels of the garage are required.

Conclusion

12. For the reasons given above, I conclude that the proposal would accord with the development plan and the Framework, and therefore the appeal is allowed subject to conditions.

Diane Cragg

INSPECTOR