



Appeal Decision

Site visit made on 7 June 2022

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 June 2022

Appeal Ref: APP/A4710/D/22/3290800

501-503 Bacup Road, Todmorden, OL14 7HP

- 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 Adam Butterworth against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 21/00840/HSE, dated 14 June 2021, was refused by notice dated 8 December 2021.
 - The development proposed is the demolition of existing double garage and replacement with new three bay garage with storage and workshop area above.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. There is some dispute between the main parties as to whether or not the siting of the proposed building lies within a lawful residential area of the site. It is not for me, under a section 78 appeal, to determine whether or not an existing development is lawful. To that end, it is open to the appellant to apply for a determination under s191 of the Town and Country Planning Act 1990 and my determination of this appeal under s78 does not affect the issuing of a determination under s191 regardless of the outcome of this appeal.
3. Nevertheless, for the purposes of determining this appeal, I must come to a view based on the balance of the evidence before me as a relevant consideration to the matters at hand (only). For the avoidance of doubt, this view is not binding.

Main Issue

4. The main issue is the effect of the proposed development on the rural character and appearance of the locality.

Reasons

5. The proposed location of the building is substantially over the footprint of an existing garage outbuilding which lies close to the dwelling on a levelled terrace between the road and a steep hillside. The existing building has 2 openings to facilitate vehicular access from a gravelled area bordered by landscaped gardens and domestic boundary enclosures. Although the area is provided with a separate access in the western boundary due to a change in levels between it and the lower level of the house, for all intents and purposes, it appears visually and functionally as part of the residential garden associated with the dwelling.

6. Saved Policy EN8 of the amended Calderdale Unitary Development Plan [2009] (the UDP) restricts development in countryside areas within the Area Around Todmorden to a number of specified exemptions. One exemption is the provision of attached or freestanding domestic garages within the curtilages of existing dwellings providing that it does not result in a disproportionate addition over and above the size of the original building. It states that such development should not detract from the visual amenity of the open countryside.
7. Although I am not referred to any guideline as to what amounts to a disproportionate addition, the increase in the scale of the proposed building would be significant compared to the existing building. Although it would have a similar depth, it would increase in length by a significant proportion and result in a substantial increase in height compared to the modest single-storey scale of the existing building.
8. Moreover, taking account of the change in levels between the house and the terrace, the ridge level and width of the proposed building would appear similar to the corresponding dimensions of the house. Accordingly, the overall size would not retain a subordinate relationship with the dwelling. The scale and raised position would cause it to visually compete with the main house.
9. Measured against the existing garage or dwelling, the building would result in a significant increase in built development on the site. The building would be screened by the main house on approach from the east, however, it would be highly visible travelling towards the site from the elevated ground to the west. Despite the presence of some screening by trees within and adjacent to the site, the mitigating effect would be limited and more so when the trees were not in leaf.
10. Although a stone construction might draw the eye less than the painted gable of the existing garage, any benefit therein would be outweighed by the increased bulk of the building arising from the proposed design, including a 2-storey perpendicular gable and projecting dormers. Despite views against the backdrop of the hillside, I find the building would be unduly prominent in the locality on account of the resultant scale and bulk. Accordingly, it would undermine the Council's approach to development which seeks to preserve the visual quality of the rural landscape and the designated Special Landscape Area.
11. In support of the proposal, the appellant directs me to the extent of previous buildings on the site during times of various former uses. However, those buildings are no longer present and were unlikely to have been subject to the current controls imposed on domestic properties and which seek to preserve the character of the countryside. They are therefore a matter of limited weight in the appeal.
12. For the above reasons, I find the scale of the proposed outbuilding would detract from the visual amenity of the rural Area Around Todmorden and The Special Landscape Area. It would conflict with Policies NE8 and NE12 of the UDP and the Framework as they seek to protect the high visual quality of the rural landscape.

Other Matters

13. I acknowledge that the proposed increased scale of the building would facilitate the site owner's hobby, however, there is little before me to demonstrate any functional need for the scale and particular design of the building to suit that purpose, or, that is could not be achieved through a more modest scale of development. Accordingly, I am not persuaded that the harm identified would be outweighed by that consideration.
14. I also note the frustrations expressed by the appellant in relation to the level of communication from the Council leading up to this appeal. However, this is not a matter for this appeal which I have determined on its own merits.

Conclusion

15. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not be allowed.

R Hitchcock

INSPECTOR