
Appeal Decision

Site visit made on 4 October 2022

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 October 2022

Appeal Ref: APP/A4710/D/22/3302115

194 Hebble Lane, Wheatley, Halifax HX3 5JN

- 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 Izaak Beaumont against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 21/00331/FUL, dated 14 April 2021, was refused by notice dated 30 May 2022.
 - The development proposed is described as: 'the formation of a garage with office and storage above'.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Izaak Beaumont against the decision of Calderdale Metropolitan Borough Council. That is the subject of a separate decision.

Preliminary Matters

3. I have used the description from the application form, in doing so I have removed words that are not acts of development.
4. Planning permission¹ for the demolition of garages and change of use of land to facilitate annexe building ancillary to dwelling has been previously granted at the appeal site. This has not been constructed, although the Council has indicated that the permission may be extant. This would occupy a similar footprint to the appeal proposal.

Main Issues

5. The main issues are the effect of the proposed development on the character and appearance of the area, and the effect of the proposed development on the living conditions of the occupiers of the neighbouring properties.

Reasons

Character and Appearance

6. The appeal site is located along a back lane that serves the rear of a terrace of houses located on the north side of Hebble Lane. The terrace occupies a prominent and elevated position within the streetscene and sits alongside a

¹ Ref 18/01407/FUL.

pair of semi detached dwellings. The more modern housing development of Heatherdale Close, located on rising land to the rear of the terrace, is visible through the gap between the end of terrace dwelling, 194 Hebble Lane, and the semi-detached dwelling 196 Hebble Lane.

7. The appeal site is located on the opposite side of the back lane to the rear yard of No 194. The land rises steeply at the back of the site and a retaining wall has been constructed forming the boundary with Heatherdale Close. The land sits amongst similar plots of land to the rear of neighbouring residential properties located on the opposite side of the back lane running to the rear of the terrace. There are a number of different garage buildings that have been constructed within these plots with access off the back lane. Although these vary in appearance and materials to an extent, there is nonetheless a degree of consistency between them.
8. These buildings tend to have a linear form, being noticeably longer than they are wide. Furthermore, they typically have a low roof height, whilst they are mostly constructed of either timber or concrete blocks. Whilst some are positioned further back into the site to allow parking to the front, they nonetheless tend to be set substantially forward of the rear boundaries, typically with enclosed garden areas to the rear. The scale and form of the garages and their position within the plots contribute to a coherent pattern of development with a distinct residential character that is readily observable along this part of the back lane.
9. The proposed garage would be large and occupy much of the depth and width of the appeal site. It would present a gable to the back lane which would be considerably taller than any other garage building here. It would also have a vastly greater bulk than its neighbours on the terrace which would be exacerbated by the provision of a dormer window to the side of the roof. As such, the building would become a prominent and incongruous addition to the streetscene that would be at odds with the prevailing character. Moreover, it would be highly discordant in views from Hebble Lane in the gap between No 194 and No 196 where the bulk and height of the gable would be highly evident. Furthermore, due to its scale and large dormer window, it would have the appearance of a small dwelling, rather than a garage, in these views, at odds with the prevailing pattern of development.
10. For the above reasons I therefore conclude that the proposed development would have a harmful effect on the character and appearance of the area. The proposal would therefore conflict with Policy BE1 of the Calderdale Unitary Development Plan (2006) (the UDP) which, amongst other things, seeks high standards of design for new development that respects the established character and appearance.

Living Conditions

11. The rear yards of the terrace are set down from the level of the back lane and accessed from here via a short flight of steps. At present No 194 and No 192 nevertheless currently enjoy reasonable levels of outlook due to looking out onto the open appeal site and low level garage buildings.
12. However, the proposed construction of a substantial building with significant massing a short distance away from the rear yard is likely to significantly reduce the outlook from the rear yards of No 194 and, to a lesser extent No

192. The large gable and dormer window is likely to appear oppressive in views from these areas and would adversely affect the living conditions of the occupiers of No 194 and No 192.
13. The boundary between the appeal site and No 196 comprises a blockwork wall with a fence to the top. The fence and wall increase in height towards the back of the site and form a boundary structure of considerable height. This has the effect of reducing light levels in the garden of No 196 and limiting the outlook towards the appeal site.
14. The existing fence would obscure much of the side elevation of the proposed garage although the roof would be easily seen from the garden and rear windows of that property. Nonetheless, the building would be set away from the boundary slightly and the roof would slope away from No 196. Consequently, I am satisfied that the proposal would not significantly reduce levels of outlook from No 196 to the extent that this would adversely affect the living conditions of the occupiers of that property. For the same reasons I am satisfied that the proposal would not significantly reduce the light levels to that property or cause significant overshadowing.
15. Nevertheless, having regard to my above reasoning the proposed development would adversely affect the living conditions of the occupiers of No 194 and No 192. The proposal would therefore conflict with Policy BE1 of the UDP which, amongst other things, seeks to preserve the living conditions of residents and other occupants. As I have found that the proposal would not significantly reduce light levels to No 196, I have not found conflict with UDP Policy BE2.

Other Matters

16. Whilst I have taken into account the 2018 permission, it is not clear if this is extant or not, given the Council's comments referred to in the preliminary matters above. In the absence of a lawful development certificate or any confirmation from the appellant in this regard, I cannot therefore be certain that this represents a realistic fallback option for the appellant. Nevertheless, even if that permission were extant, this did not include a dormer window and was orientated so that the gable was not prominent from Hebble Lane or the dwellings opposite. As such, were the previous approval implemented, it would be less harmful than the scheme before me both in terms of the effect on character and appearance and the living conditions of No 194 and No 192.

Conclusion

17. For the reasons given above, having considered the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

Paul Martinson

INSPECTOR