



Appeal Decision

Site visit made on 8 November 2022

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 December 2022

Appeal Ref: APP/Z4718/W/22/3302671

18B Cowlersley Lane, Cowlersley, Huddersfield HD4 5TY

- 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 J and P Garside against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/62/94553/W, dated 3 December 2021, was refused by notice dated 13 May 2022.
 - The development proposed is erection of 4 dwellings.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - the effect of the proposed dwellings on the character and appearance of the area; and
 - whether the proposal would provide acceptable living conditions for future occupants, with regard to the provision of private amenity space.

Reasons

Character and Appearance

3. The appeal site is a vacant piece of land on the northern side of Cowlersley Lane. The site has a boundary with the road, defined by a stone wall, and the land drops steeply downwards beyond the rear boundary of the site to the north. The land also rises from east to west. The overall character of the area is typified by stone built traditionally designed houses located close to the road and generally reflecting the topography of the landscape. Whilst there are a few examples of houses in the area with little space around them, especially with regard to rear gardens, the houses in the area generally have appropriate garden space reflective of their age and style.
4. The proposed dwellings would comprise of a terrace of four stone built two-storey houses which would appear similar to the houses in the area in terms of their materials and traditional design. They would create a linear row of houses that follows the rise in land from east to west but their plot sizes would be restricted due to the shallow depth of the site.
5. The proximity of the proposed houses to their front and rear boundaries, and especially their rear boundaries, would give the four houses a cramped

appearance and due to their prominent position and the topography of the area, their restricted plot sizes would appear incongruous in the landscape.

6. I therefore conclude on this issue that the proposed dwellings would have a harmful effect on the character and appearance of the area and conflict with the design objectives of Policy LP24 of the Local Plan¹, the National Planning Policy Framework² and Principle 2 of the SPD³. Amongst other things, these require development to respect and enhance the character of the townscape and landscape.

Living Conditions

7. Each house would have a small, north facing rear garden and although they would also have front gardens, these would abut the road. The rear gardens would therefore provide the only private outdoor amenity space. The two end terrace houses, plots 1 and 4 would have a little extra space but this would be relatively minor. The gardens would be too small to provide private amenity space of a sufficient size to facilitate everyday recreational activities that the occupiers of a two bedroom dwelling would reasonably expect to be able to carry out. I appreciate that there are examples of other houses in the area with minimal garden space but this does not justify allowing new houses with such limited outdoor private amenity spaces.
8. The proposal would fail to provide acceptable living conditions for future occupants due to the small areas of outdoor amenity space. This would be contrary to Local Plan Policy LP24 and the Framework which, amongst other things, requires a high standard of amenity. Principle 17 of the SPD indicates that outdoor amenity space should be proportionate to the size of the dwelling but it is also required to be functional. I do not consider that because the houses would be small that it is acceptable for the gardens to be as small as proposed here and therefore the proposal would conflict with the SPD.

Other Matters

9. The appellant contends that they have followed the Council's design principles and whilst this may be the case regarding a number of matters including the design of the houses; their materials; avoidance of any overlooking or overshadowing; their relationship to existing dwellings; and vehicular access and parking provision, these do not mitigate the harm I have identified.
10. I also appreciate that the proposal may help meet the Council's requirement to provide homes for first time buyers but I have no substantive evidence that there is a particular shortfall sufficient to alter my conclusion.

Conclusion

11. For the reasons given above and having regard to the development plan as a whole, I conclude that the appeal should be dismissed.

J D Clark

INSPECTOR

¹ Kirklees Council – Kirklees Local Plan Strategy and Policies, Adopted 27 February 2019.

² Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework) – paragraph 130.

³ Kirklees Council – Housebuilders Design Guide SPD June 2021.