



Appeal Decision

Site visit made on 4 April 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 April 2023

Appeal Ref: APP/A4710/W/22/3310374

Strathglen, Halifax Road, Shelf, Halifax, Calderdale HX3 7JT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Rachel Maughan against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 22/00353/OUT, dated 17 March 2022, was refused by notice dated 20 September 2022.
 - The development proposed is a detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The application was submitted in outline with all matters reserved for future consideration (including access). I have determined the appeal on this basis, treating supporting plans as illustrative.
3. The Council's assessment of the proposal refers to the Replacement Calderdale Unitary Development Plan. This has now been superseded by the Calderdale Local Plan, adopted in March 2023 (the Local Plan). The Council's officer report referred to the Local Plan as emerging at the time. The Council's subsequent appeal statement identifies that at that point in time, the emerging Local Plan had reached the stage where significant weight could be given to its policies. Reference was made to the relevant emerging Local Plan policies in the Council's appeal statement, which the appellant has seen. The adopted version is not materially different insofar as it is relevant to the main issues. I have referred to the Local Plan in my decision.

Main Issues

4. The main issues are the effects of the proposed development on:
 - the character and appearance of the area; and
 - highway safety.

Reasons

Character and Appearance

5. The appeal site forms part of the rear garden of Strathglen, a large detached two storey dwelling set within an extensive plot. While the properties in the vicinity vary in their size and design, there is consistency in that, on the east

side of Halifax Road where the site is, they are located within predominantly generous linear plots, follow similar building lines with a modest set back from the road, and have a presence within the street scene, which creates a strong pattern and grain of development. This character is also apparent along Bridle Stile to the north. The dwellings across Halifax Road from the site also front onto the road although are set further back from it within longer front gardens.

6. The street scene in the vicinity of the site has quite a verdant character and appearance. This is due in part to the large size of the gardens, which includes trees and greenery. The trees and vegetation to the rear of the dwellings on the east side of Halifax Road can be glimpsed through gaps between the properties and provide a pleasant backdrop to the street scene.
7. The appellant has submitted an illustrative plan showing how a dwelling could be accommodated on the site. The appellant is not bound by this given that scale and layout are reserved for future consideration. Nonetheless, given the nature of the site, the proposed dwelling would sit behind the existing dwelling of Strathglen. Consequently, the proposal would introduce a backland form of development into an area between the properties to the north and those along Halifax Road which, with the exception of some modest domestic outbuildings, is currently free from built form. This would be in marked contrast to the existing pattern of development. Furthermore, the lack of street frontage that the dwelling would have, as it would be largely screened from the public realm by the existing dwelling, would be out of character and incongruous with the form of the existing development in the vicinity.
8. Given the size of the site and its relationship with adjacent properties, I see no reason why a single dwelling designed to a high standard could not sit comfortably within the plot without causing significant harm to neighbouring residents. Nevertheless, the proposal would result in the loss of a large part of Strathglen's garden which would further erode the character of the area.
9. The appellant has highlighted examples of what are stated as garden development. However, on the basis of the available evidence, I do not find these to be directly analogous to the appeal proposal. The example at 24 Bridle Stile¹ relates to a dwelling in the side garden of this property, but unlike the appeal proposal, this dwelling would have a road frontage to Bridle Stile and Bridle Dene. The proposal at 453 Halifax Road,² which is some distance from the site, relates to two dwellings within a rear garden. However, in this case there appears to be other built development within a similar backland location which the dwellings would align with. There is no definitive evidence before me to demonstrate that the third example represents a new dwelling granted planning permission in a rear garden.
10. Overall, the site's positioning to the rear of the host dwelling and the absence of any positive street frontage that a dwelling within the site would have, would fail to reflect the spatial characteristics and prevailing pattern of development of the surrounding area. I therefore conclude that the proposed development would unacceptably harm the character and appearance of the area. Accordingly, it would conflict with Policy BT1 of the Local Plan which requires new development to respect or enhance the character and appearance of its surroundings amongst other matters. There would also be conflict with the

¹ Application reference 22/00472/FUL

² Application reference 13/00658/OUT

National Planning Policy Framework (the Framework), which requires development to be sympathetic to local character, amongst other considerations.

Highway Safety

11. Although the application is in outline, the submitted plans illustrate an access point onto Halifax Road which coincides with the point where the red line application boundary meets the highway. The appellant bases their visibility splay distance for this access point on those recommended in Manual for Streets (MFS). MFS focuses on lightly trafficked streets. However, the Council considers that the Design Manual for Roads and Bridges is more relevant because Halifax Road is a Strategic A road.
12. Based on the Council's assessment, a new access would require a 70 metre splay in both directions measured to the nearside kerb from a point 2.4 metres from the kerb central to the proposed driveway. The measurement to the nearside kerb is to allow for vehicle overtaking when assessing visibility to the left hand side. However, the plans submitted with the application do not appear to show the visibility splays being measured to the nearside kerb.
13. MFS advises that the left hand visibility splay could be measured to the central point in the highway if vehicles approaching from the left are unable to cross the centre line. However, there are no features preventing vehicles from crossing the centre line on the approach to the site.
14. Not all of the houses in the vicinity of the site have off-street parking provision. There are a number of on-street parking spaces which start at the neighbouring property known as Valley View. On my site visit during a weekday afternoon, I observed a number of cars parked within these parking spaces, including near to the indicated access point. While I appreciate that this was a snapshot in time, there is no clear evidence to suggest that it was not representative of the general parking situation. Given the location of the on-street parking, it is likely to hinder to an extent visibility in that direction, especially if a vehicle approaching the site from the left was across the centre line of the road, for example to overtake a cyclist or to pass a bus using the bus stop opposite the site.
15. On this basis, an alternative visibility splay measurement to that from the nearside kerb would not be appropriate. It is not therefore clear from the evidence before me that the Council's required visibility splays would be achieved without the need to use third party land. The distances in MFS would require visibility splays of 43 metres in both directions with a 2.4 metres setback, based on a 30mph speed limit. However, even based on this lower figure, I cannot be certain from the evidence before me that the visibility splays would be achievable without the need to use third party land.
16. The appellant has identified that lower visibility distances may be acceptable if a traffic survey could demonstrate that the 85th percentile speed of vehicles would justify it. However, no such survey is before me.
17. I appreciate that there are other driveways in the vicinity that access on to Halifax Road, including that of the host property. However, these appear to be historic accesses. Although the appeal decision³ at 84 Halifax Road did not

³ Appeal reference APP/A4710/A/08/2075464

specifically refer to access or traffic, there is no evidence before me about what visibility splays may have been provided. In any event, it is necessary for me to determine the appeal against up-to-date policy including the Framework which states that proposals should not have an unacceptable impact on highway safety.

18. Based on the evidence before me, I cannot be satisfied that the required visibility distances could be achieved at the site. Without further clarity on the required visibility splays and how they could be achieved, including without the need to use third party land, or information on the speed of traffic passing the site, the proposal would significantly increase the potential for conflict between road users.
19. I therefore conclude that the proposed development would result in an unacceptable impact on highway safety. Accordingly, it would conflict with the highway safety requirements of Policy BT4 of the Local Plan and the Framework.

Other Matters

20. At the time of determining the application, the Council could not demonstrate a five-year supply of deliverable housing sites, with a two-year supply identified, which is a large shortfall. However, the Council's evidence sets out that once adopted, the Local Plan would demonstrate the Council's five-year supply, which has not been disputed by the appellant. As set out above, the Local Plan is now adopted. On this basis, and in the absence of any evidence to the contrary, amongst other things, policies for the supply of housing are therefore up to date and thus the presumption in favour of sustainable development in paragraph 11 of the Framework does not apply.
21. Nevertheless, the proposed dwelling would contribute to the supply of housing, consistent with the Government's objective of significantly boosting the supply of homes as referred to in the Framework. However, the weight that I can ascribe this benefit in terms of one dwelling is inevitably limited.
22. I appreciate the appellant's intentions for an ecological, energy efficient site. Nevertheless, this would not outweigh the harm that I have identified.
23. I note the appellant's concerns regarding the Council's handling of the case. However, in determining this appeal, I am only able to have regard to the planning merits of the case.

Conclusion

24. The proposal would conflict with the development plan taken as a whole as well as the Framework. There are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance with the development plan or Framework policies. Therefore, for the reasons given, the appeal should be dismissed.

F Wilkinson

INSPECTOR