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# Appeal Decision

Site visit made on 21 March 2023

**by K Lancaster BA (hons) MSc MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 24<sup>th</sup> May 2023**

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**Appeal Ref: APP/Z4718/W/22/3311150**

**3 Mount Scar View, Scholes, Holmfirth HD9 1XH**

- 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 A Aizlewood against the decision of Kirklees Metropolitan Council.
  - The application Ref 2022/62/90916/W, dated 15 March 2022, was refused by notice dated 18 May 2022.
  - The development proposed is described as to “convert the existing integral garage into habitable living space and build a detached garage on an adjacent piece of vacant land.”
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## Decision

1. The appeal is dismissed.

## Background and Main Issues

2. The Council’s second reason for refusal refers to the effect of the proposed development on living conditions of 31 St Georges Road. However, a new property which was under construction within the garden of No 31 at the time of the application is now substantially complete and occupied. The Council in their Officer Report and the appellant in their Statement of Case have both considered the effect of the proposed development on this new dwelling, which is now known as 31a St Georges Road. As this new dwelling is located between the appeal site and No 31, I have had regard to the effect of the proposed development on this property.
3. The main issues of the appeal are the effect of the proposed development on:
  - the character and appearance of the area; and
  - the living conditions of the occupiers 31a St Georges Road, with particular regard to outlook and light.

## Reasons

### *Character and Appearance*

4. 3 Mount Scar View is a detached, stone built, two-storey, dwelling located within a small cul-de-sac. No 3 is located at the bottom of a short hill, which rises steeply in an upwards direction towards Cherry Tree Walk. The appeal site also includes a detached, irregular shaped parcel of land, located forward of No 3, and situated between a public footpath and a shared access driveway. This parcel of land is prominently sited within the cul-de-sac.

5. The surrounding area is predominantly residential, with some variation in the built form. However, the dwellings within the cul-de-sac all benefit from spacious plots, and pleasant front gardens contributing to a sense of openness.
6. The proposed development comprises the conversion of the existing integral garage to provide additional living accommodation for the host property, and the erection of a new detached garage. The submitted plans also show a raised paving area to the rear of the garage building.
7. The Council's first reason for refusal relates to the detached garage and its effect on the character and appearance of the area. The other elements of the scheme, including the conversion of the existing garage to living space, together with the external alterations to the dwelling have been found to be acceptable by the Council and I see no reason to disagree.
8. The garage would be in excess of 5m in height, with a dual-pitched roof. The proposal incorporates two large circular windows to the front and rear elevations and 3 rooflights to the side elevation which faces towards No 3. A solar panel array is proposed to the side elevation which faces away from the existing property. The roof pitch of 40 degrees has been designed to maximise solar gain.
9. The garage would be physically and visually separated from the host property, which would result in a discordant form of development that would be highly visible from the public footpath, Mount Scar View, and Cherry Tree Walk.
10. The development would also result in an awkward visual relationship with the newly constructed dwelling behind, which would not assimilate into the existing street scene, eroding some of the open character of the cul-de-sac. The proposal would therefore fail to achieve an acceptable form of development that reflects the surrounding built character and siting of existing dwellings.
11. Although of a traditional design and appearance, due to its height and scale would the garage dominate this currently open part of the cul-de-sac. The nature of the boundary treatment between the appeal site and the neighbouring site, further compounds the overly dominant effect of the development proposed. Even if a more substantial boundary treatment was provided, this would not alter the impact of the proposal on the open character of the area.
12. The appellant has sought to address concerns raised in relation to a previous refused application<sup>1</sup> that has been subject to a dismissed appeal. I also note the Council's conclusion that the garage would appear subservient in both footprint and scale to the host dwelling. However, although the scheme before me is smaller and of a more traditional design than that previously considered, its siting and relationship with the surrounding built form would still result in unacceptable harm to the character and appearance of the area. The development would be unsympathetic addition to the street scene, which would be at odds with the prevailing character of open frontages which are a positive feature of the area. The revised design does not address these concerns.
13. My attention has been drawn to examples of garages within the surrounding area, including at 10 Cherry Tree Walk and 2 Mount Scar View. No 10, has a pitched roof and high ridge line but is located close to the road and retains

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<sup>1</sup> Planning Application Ref: 2021/93817

much of its host property's open and green frontage. Although of a similar design to the appeal proposal, its siting and relationship to its host property is not directly comparable to the appeal site. The garage at 2 Mount Scar View, is of a different design to the proposed development, its pitched roof is attached to the host property and the general layout of the development forms an I-shape, contained within the existing plot. It is not therefore viewed as a detached building and thus is not directly comparable to the proposal. These examples do not therefore weigh in favour of the development.

14. The appellant has also drawn my attention to the siting of No 31, which is located forward of the principal elevation of No 3, in a similar position to the where the garage would be located. This has infilled a substantial garden plot maintaining the character of the surrounding area, in so far as it relates to large, detached dwelling in a spacious, green plot. By contrast, the garage would have an awkward relationship to the surrounding built form and would fail to achieve a satisfactory layout of development that reflects the character of the area.
15. Consequently, the proposed development would cause unacceptable harm to the character and appearance of the area. This would conflict with Policy LP24 of the Kirklees Local Plan Strategy and Policies (2019) (LP), which seeks to promote good design by ensuring that the form, scale and layout of development respects and enhances the character of the townscape and landscape. The proposal would also conflict with Policies 1 and 2 of the Holme Valley Neighbourhood Plan (2021) (HVNP), which seek, amongst other things to protect and enhance the natural and built environment.
16. In addition, conflict would arise with the guidance contained within the Council's House Extensions and Alterations Supplementary Planning Documents (2021) (SPD) and the National Planning Policy Framework (the Framework).

#### *Living Conditions*

17. The proposal, by virtue of its proximity to the shared boundary, its height, scale, and the difference in ground levels, although modest, between the two sites, would result in an unduly dominant form of development. When viewed from the garden of No 31a, the garage would have an overbearing presence on the occupant's outlook.
18. In relation to loss of light to the garden, the orientation of the site would mean that shadowing would mostly occur in the late afternoon and evening. However, the affected area appears to be the primary garden area of the property and it is expected that the occupiers would want to enjoy this space at these times. The overall impact of the reduction in daylight and sunlight and the associated shadowing would therefore be sufficient to result in unacceptable harm to their living conditions.
19. The previous proposal was not found to be harmful to living conditions. However, in assessing this current proposal the Council's position has changed. In their officer report, my attention has been drawn to the removal of a hedgerow between the two sites. It would appear that the hedgerow was located on third-party land and was present at the time of the previous application. I observed that there was only a recently planted hedgerow along the boundary.

20. The appellant has drawn my attention to the expected provision of a 1.8m high fence to the shared boundary between the appeal site and No 31a. However, even if the fence was erected, its modest height in relation to the height of the garage, together with the difference in ground levels would mean that the garage building would remain a dominant feature and would have no impact in relation to overshadowing.
21. I accept that the nature of the development, and position of windows would not give rise to unacceptable impacts on their living conditions in relation to overlooking. There have been no objections from No 31a. However, this does not alter my overall findings on this matter.
22. Accordingly, the proposed development would cause unacceptable harm to the living conditions at 31a St Georges Road with particular regard to outlook and light. This would conflict with Policy LP24 of the LP, which seeks to protect the amenity of neighbouring occupiers. The proposal would also conflict with the guidance contained within the Council's SPD and the Framework.

### **Other Matters**

23. The provision of solar panels would facilitate the production of renewable energy and thus reduce energy costs for the occupier of the existing property. The small-scale provision of renewable energy would be a public benefit in favour of the proposal. However, the potential reduction in energy costs would be a private benefit and therefore afforded very limited weight. Accordingly, the limited benefits of the provision of a domestic solar panel array would not outweigh the harm identified above.
24. I acknowledge that the Council has found the proposal to be acceptable in respect of highway safety and ecology. Nonetheless, the absence of harm in these respects are neutral factors which weigh neither for nor against the development. I have also had regard to the support for the proposal from the Parish Council and a third party. This does not alter my overall conclusions.
25. The appellant's statement also indicated that he would be willing to accept a structurally sound reduction to the ridge height. This would necessitate a new planning application, and therefore it is not a matter for me to consider in determining this appeal.

### **Conclusion**

26. For the reasons set out above, having considered all the policies drawn to my attention, the conflict with Policy LP24 of the LP and Policies 1 and 2 of the HVNP leads me to conclude that there is conflict with the development plan taken as a whole. There are no material considerations which would outweigh that conflict. Therefore, the appeal should be dismissed.

*K Lancaster*

INSPECTOR