



Appeal Decision

Site visit made on 5 June 2023

by E Worthington BA (Hons) MTP MUED MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 5 July 2023

Appeal Ref: APP/Z4718/W/23/3316893

7 Hazel Grove, Staincliffe, Batley, WF17 7DS

- 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 M Ali against the decision of Kirklees Council.
 - The application Ref 2022/62/90553/E, dated 16 February 2022, was refused by notice dated 10 January 2023.
 - The development proposed is change of use of grass verge to private garden and parking.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site comprises the semi-detached property at 7 Hazel Grove and the grass verge in front and to the side of it. A footpath runs across the verge. It is located at the junction of Hazel Grove and Woodfield Avenue at the crossroads where these meet Woodside Crescent. It occupies a prominent corner position in a residential area of similar properties.
 4. The proposal would see the grass verge used as a private garden with hardstanding for parking. It would be enclosed by a 0.9 metre high boundary wall and would utilise the existing drop crossing at the appeal property.
 5. There are similar grass verges on the other corners of the crossroads. These vary in size. Whilst the verge opposite the appeal site to the north is relatively limited in extent, those on the other corners of the crossroads, including at the appeal site are more extensive and spacious. Overall, they are appreciated as welcome green spaces that provide a pleasant sense of openness and greenery within the housing estate. As such, they make a positive contribution to the character of the area.
 6. Some of the grassed area at the appeal site would be retained behind the wall as part of the newly created garden area. Nevertheless, the entire verge up to the back edge of the pavement would be enclosed and encompassed within the curtilage of the appeal property. This would result in the unsatisfactory loss of the important roadside green space and lead to a detrimental reduction in the sense of spaciousness and open quality of the immediate area.
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7. Thus, I find that the proposal would be appreciated as an unsympathetic development of the site that would detract from the appearance of the street scene and undermine the open and green character of this part of the estate. Whilst I note the appellant's argument that the surrounding area is well developed with a lot of areas now used for parking, this is not a reason to allow development that I have found to be harmful.
8. I therefore conclude on the main issue that the proposal would be harmful to the character and appearance of the surrounding area. This would be contrary to Policy LP24 of the Kirklees Local Plan which advises that good design should be at the core of all proposals in the district. It would also fail to support the aim of paragraph 127 of the National Planning Policy Framework which indicates that decisions should ensure that developments are sympathetic to local character, including the surrounding built environment.

Other matters

9. The appellant argues that the nearby roads are over-run with on street car parking, and that in providing off street car parking the proposal would benefit highway safety. That said, I am mindful that the appeal property already has a garage and driveway which have the potential to provide off street car parking for a number of vehicles. As such, this benefit of the proposal is insufficient to outweigh the harm I have identified in relation to the main issue in this case.
10. I appreciate that the site was purchased from the Council under the understanding that it could be used for garden purposes, and I have had regard to the evidence provided by the appellant. However, that is a matter between the appellant and the Council and is not a reason to allow development that would be harmful. Furthermore, I note from the email provided that the need for the purchaser to obtain planning permission for the use of the land is indicated.
11. The appellant questions whether permission is required for the proposal. No further evidence has been provided in this regard. However, the question of whether or not permission is required is not within my remit to determine and does not affect the validity of this appeal. Moreover, my conclusions do not prejudice any future application for a lawful development certificate.

Conclusion

12. For the reasons set out above, and having regard to all the other matters raised, I conclude that the appeal should be dismissed.

E Worthington

INSPECTOR