



Appeal Decision

Site visit made on 21 August 2023

by C Harding BA (Hons) PGCert PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2023

Appeal Ref: APP/Z4718/D/23/3317740

5 Vicar Street, Millbridge, Liversedge, Kirklees WF15 6DX

- 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 Richard Farrar against the decision of Kirklees Council.
 - The application Ref 2022/62/92652/E, dated 4 August 2022, was refused by notice dated 9 December 2022.
 - The development proposed is demolition of existing grimstone garage to be replaced with 3 bay garage and office.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing grimstone garage to be replaced with 3 bay garage and office at 5 Vicar Street, Millbridge, Liversedge, Kirklees WF15 6DX in accordance with the terms of the application, Ref 2022/62/92652/E, dated 4 August 2022, and the plans submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
Grouped Plans and Section 22-033-02 Rev B
Grouped Plans and Elevations 22-033-01 Rev A
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the host dwelling.

Main Issues

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

Reasons

Character and Appearance

3. The appeal site comprises the appeal property and an area of residential garden located to its front. The appeal property forms part of a short, stone-built terrace which is accessed by a short road from Knowler Hill. The appeal property has a notably larger front garden than other properties in the street.
4. Further residential properties, known as Church Street, and of more modern construction and a semi-detached arrangement are located to the south-east of the appeal site, and at a slightly lower level. Local topography means that the

appeal property, as well as other dwellings in Vicar Street are of a single aspect arrangement facing towards to the south-west. This topography also means that the appeal site includes a substantial woodland embankment at its western extent.

5. The proposed garage would be located at the base of this embankment, partially located on the site of an existing garage structure, which would be removed. The arrangement of dwellings and gardens within Vicar Street, and the relationship with the more modern dwellings in Church Street is unusual in that the uncharacteristically large front garden of the appeal property wraps around the rear aspect of properties on Church Street, which have comparatively smaller rear gardens of their own.
6. Consequently, the location of the proposal within this front garden would lead to there being some separation between the proposal and the host property. However, this would be reflective of the existing situation in relation to buildings and structures currently within the appeal site. Although the appeal proposal would be a larger structure, it would not result in harm as a result of its positioning within the site as it would reflect this current arrangement. Furthermore, there is a clear relationship between the appeal property and its garden, despite its unusual shape. Consequently, the proposed development would not appear as an unrelated structure.
7. The location of the proposal, away from Knowler Hill and at the base of the substantial embankment is not prominent within the wider area. Although the proposal would form a sizeable triple garage with office space above, it would be largely screened in longer views by either intervening development, mature hedgerows, or the wooded embankment. It is possible that there would be some specific views of the top of development from Knowler Hill, however I am satisfied these would be transient and limited in scope.
8. It is the case that the proposal would be visible from properties on Church Street, some of which would face directly towards it. There would also be more oblique views from other properties in Vicar Street. However, the proposal would be seen against the backdrop of the rising land of the wooded embankment which would reduce the prominence of the structure. On this basis and having regard to the existing structures which currently exist in the vicinity of the proposal, including an existing garage which would be removed, the proposal would not appear as incongruous or of excessive scale.
9. For these reasons, I conclude that the proposal would not harm the character and appearance of the area. It would therefore accord with Policy LP24 of the Kirklees Local Plan which states that proposals should promote good design by ensuring that form, scale and layout respects and enhances the character of the townscape and are in keeping with existing buildings in terms of scale, materials and details.
10. The proposal would also accord with Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Document, which requires alterations to residential properties to be in keeping with the appearance, scale, design and local character of the area, and not dominate or be larger than the original house, and remain in keeping with it.

Other Matters

11. I understand that the appellant runs a business, however the application has been made on a householder basis, and there is no indication that the proposal would be used for anything other than purposes which would be ancillary to the enjoyment of the dwellinghouse. If any future use of the proposal would constitute a material change of use, a further planning permission would be required.
12. Given the domestic use of the proposal, it is unlikely to give rise to a significant increase in vehicles arriving or leaving the site, or activity that would be likely to give rise to unacceptable noise and disturbance. Due to the intervening distance achieved, the proposal would not result in any significant loss of outlook for the occupants of neighbouring properties, and due to its nature and use, would not lead to loss of privacy.
13. Furthermore, there is no firm evidence before me that would indicate that the proposal would lead to additional drainage problems, or that satisfactory access and parking arrangements would not be achieved. The provided plans are sufficient to allow the consideration of the proposal.
14. Whilst the embankment within the appeal site contains a number of large trees of amenity value, there is nothing before me to indicate that they are subject to particular protection, and the Council have raised no concerns with regard to the longevity of these specimens as a result of the proposal. I have no reason to disagree with this assessment.
15. The issue of effect on property values has also been raised. It is a well-founded principle that the planning system does not exist to protect private interests such as value of land or property. It has also been put to me that the proposal would result in a precedent for the erection of future buildings within the appeal site. However, there is no evidence before me which indicates that there is any intention to undertake future development, and I have considered this proposal on its merits. The approval of this particular proposal would not fetter the Council's ability to control and consider any further development within the appeal site, should it be proposed in the future. Accordingly, these are not matters which would justify withholding permission.

Conditions

16. In addition to the standard time limit condition, I have attached conditions requiring adherence with the approved plans, and to ensure that external materials match those of the appeal property. These are required in the interests of clarity, and securing a satisfactory form of development in the interests of the character and appearance of the area.
17. The Council has also suggested a condition which would restrict the use of the proposal for purposes ancillary or incidental to the enjoyment of the existing dwellinghouse, and at no time to be sold, rented or severed to be occupied as a separate independent unit.
18. I have not attached this condition as if following the grant of planning permission, the structure is not used as proposed, or there is a future material change of use, a further grant of planning permission would be required. Accordingly, such a condition is unnecessary to make the development

acceptable, and therefore would fail to meet the relevant tests set out within the Framework.

Conclusion

19. The proposed development would be in accordance with the development plan as a whole, and there are no material considerations that would lead me to reach a conclusion other than in accordance with it.
20. For the reasons given above I conclude that the appeal should be allowed.

C Harding

INSPECTOR