



Appeal Decision

Site visit made on 5 September 2023

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 September 2023

Appeal Ref: APP/Z4718/W/23/3318696

81 Town End Road, Wooldale, Holmfirth, Kirklees HD9 1QD

- 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 Proud Construction against the decision of Kirklees Council.
 - The application Ref 2022/62/93986/W, dated 10 December 2022, was refused by notice dated 14 February 2023.
 - The development proposed is erection of two dwellings.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two dwellings at 81 Town End Road, Wooldale, Holmfirth, Kirklees, HD9 1QD in accordance with the terms of the application, Ref 2022/62/93986/W, dated 10 December 2022, subject to the conditions in the attached schedule.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

3. The appeal site is part of the large garden of the dwelling at 81 Town End Road. The site is bounded by residential properties to three sides. The south western boundary fronts onto Leyfield Bank from where access would be taken. The proposed dwellings would sit one behind the other on the site. The dwelling to the front on plot 1 would be two storeys in height, and the one to the rear on plot 2 would be one and a half storeys.
4. There is some variety in dwelling forms within the immediate area. The majority of the properties on Leyfield Bank are bungalows. However, the host property, which sits adjacent to the site, is a substantial two storey detached dwelling, and the other properties along the site's south eastern boundary are also two storeys in height. Further along Town End Road, including on the corner with Leyfield Bank, are two storey stone terraced dwellings of differing sizes. There are two storey semi-detached dwellings on nearby Wooldale Road sitting at a higher level. When viewed from many vantage points in the surrounding area, including from nearby stretches of Leyfield Bank and Town End Road, the proposed dwellings would be seen in the context of these two storey properties.
5. The proposed dwellings would sit quite close to their side boundaries, in particular to the north west. However, the pattern of development in the vicinity is mixed, with a variety of plot sizes. While there are examples of dwellings on larger plots with space to each side, many of the bungalows in the

area extend close to their side boundaries. In this respect, the proposed development would conform to the arrangement of nearby buildings.

6. I appreciate that the proposed dwelling to the front of the site would have a greater height than the bungalows. This would give the proposed dwelling a greater prominence within the street scene. However, while this dwelling would not be small, neither would it be so large as to be visually overwhelming and discordant, even with the relatively close proximity to its north west boundary.
7. The dwelling on plot 2 would sit further back in the site, would be of a lower height, and based on the submitted evidence, would sit lower than the road level. Given this context, this proposed dwelling would not have an overpowering effect on its surroundings.
8. While the proposed dwellings would sit relatively close to the north west boundary of the site, the development would appear more spacious along the south east boundary. In the case of the proposed dwelling to the front of the site, this is due to the greater separation distance from this boundary, but also the separation distance from the rear elevation of the host property. In the case of plot 2, it is a single storey garage that would be closest to this boundary. Given the context in which the site would be seen, with the modest gap along the south east boundary, the presence of the road and the space around the host property and the dwelling at 79 Town End Road opposite, the proposal would not appear confined or contrived.
9. The Council has not raised a specific concern about the density of development at the site, noting that it would be an efficient use of land since it would be comparable to densities surrounding the site. I have no reason to take a different view.
10. For the above reasons, the proposal would not appear as cramped or an over development of the site and would sit appropriately within the built form of the surrounding area. I therefore conclude that the proposed development would not unacceptably harm the character and appearance of the area.
11. Accordingly, the proposal would accord with the requirements of Policy LP24(a) of the 2019 adopted Kirklees Local Plan Strategy and Policies (the Local Plan), Policies 2 (1, 2 and 8) and 6 (4) of the Holme Valley Neighbourhood Development Plan 2021 – 2031, and the guidance in principle 2 of the 2021 Housebuilders Design Guide Supplementary Planning Document. Amongst other considerations, these policies and guidance require proposals to respect and enhance local character, strengthen the sense of place, fit in with the surroundings and demonstrate that densities make best and efficient use of land and reflect local settlement character. The proposal would also accord with the design objectives in chapter 12 of the National Planning Policy Framework.

Other Matters

12. The site lies close to the boundary of part of the Wooldale Conservation Area (the CA). The significance of the CA is in part derived from the historical associations with the area's textile industry and the evidence it provides of the architectural style and building techniques of the time. Given the nature of the proposed development and that of the surrounding built form, the character and appearance of the CA would be preserved and its significance as a designated heritage asset would not be harmed.

Conditions

13. I have considered the conditions suggested by the Council and have amended the wording of certain conditions in the interests of precision.
14. As well as the standard time condition, and for certainty, one is required to ensure that the development is carried out in accordance with the approved plans.
15. In the interests of the character and appearance of the area, a condition is necessary to require samples of the materials to be used. In the interests of highway safety, conditions are necessary to ensure that the required site access visibility is maintained and to require the details of refuse collection. For the same reason and to ensure that the development does not contribute to flood risk, a condition is necessary to require that all vehicle parking and turning areas are constructed from permeable materials. To ensure that the biodiversity value of the site and wider area is conserved and enhanced, a condition requiring an ecological design strategy is necessary. In line with Policy LP24 of the Local Plan, a requirement to provide details of a reduction in carbon emissions and electric vehicle charging points is necessary.

Conclusion

16. The proposal would accord with the development plan as a whole, and there are no material considerations of sufficient weight to indicate that permission should be withheld. I therefore conclude that the appeal should be allowed.

F Wilkinson BSc (Hons), MRTPI

INSPECTOR

SCHEDULE OF 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: LP01; 22/021/07 Rev A; 22/021/11.
- 3) Before work commences on the superstructure of any dwelling, samples of all facing and roofing materials shall be left on site for the inspection of, and approval in writing by, the Local Planning Authority, and the development shall be implemented using the approved materials.
- 4) Before work commences on the superstructure of any dwelling, and notwithstanding the details on the approved plans, further details of arrangements for the collection of domestic wastes shall be submitted to and approved in writing by the Local Planning Authority. The details thus approved shall be provided prior to the first occupation of the dwellings hereby permitted, and the areas approved for the storage and collection of wastes shall be retained as such, free from obstructions to their use.
- 5) Before work commences on the superstructure of any dwelling, an ecological design strategy (EDS) which sets out the means of providing ecological enhancement shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall be implemented in accordance with the approved details, completed prior to the first occupation of the dwellings hereby permitted and retained thereafter.
- 6) Before work commences on the superstructure of any dwelling, details of measures to reduce carbon emissions associated with the development shall be submitted to and approved in writing by the Local Planning Authority. The approved measures shall be installed or incorporated within the development prior to the first occupation of the dwellings hereby permitted and retained thereafter.
- 7) Prior to the first occupation of the dwellings hereby permitted, all areas to be used for the parking and turning of vehicles shall be laid out with a hardened and drained surface, which shall be in accordance with the 'Guidance on the permeable surfacing of front gardens' published 13th May 2009 (ISBN 9781409804864) as amended or any successor guidance. Thereafter these areas shall be retained free of any obstruction.
- 8) Prior to the first occupation of the dwellings hereby permitted, sight lines of 2.4 metres x site frontage shall be cleared of all obstructions to visibility of more than 1 metre high above the adjacent carriageway, and thereafter retained as such.
- 9) Prior to the first occupation of the dwellings hereby permitted, one electric vehicle recharging point shall be installed within the dedicated garage or parking area of each dwelling. Cable and circuitry ratings shall be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging points so installed shall thereafter be retained.