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# 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: 15 September 2023**

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**Appeal Ref: APP/A4710/W/23/3318209**

**Quarry House, Ramsden Street, Wheatley, Halifax HX3 5JB**

- 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 Bicknell of HNJ Developments against the decision of Calderdale Metropolitan Borough Council.
  - The application Ref 21/01427/FUL, dated 25 October 2021, was refused by notice dated 25 January 2023.
  - The development proposed is 3 new dwellings, each 3-bed together with associated car parking and private amenity space.
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. The Council's assessment of the proposal refers to the 2006 adopted Replacement Calderdale Unitary Development Plan. This has been superseded by the Calderdale Local Plan, adopted in March 2023 (the LP). The main parties have been given the opportunity to comment on the LP. I have taken the LP and any comments thereon into account in my decision.

## Main Issues

3. The main issues are:
  - the effect of the proposal on highway safety;
  - the effect of the proposal on the character and appearance of the area; and
  - whether the proposal would provide acceptable living conditions for future occupiers with regard to outdoor amenity space.

## Reasons

### *Highway Safety*

4. Based on the Council's assessment, the access would require a 33 metre visibility splay in both directions from a point 2.4 metres from the kerb of the access. Manual for Streets (MfS) explains that visibility splays should normally be measured to the nearside of the kerb of the main highway. This is to allow for vehicle overtaking when assessing visibility to the left hand side. However, the plans submitted with the application do not show the visibility splays being measured to the nearside kerb.
5. 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.

6. Not all the nearby houses on Ramsden Street have off-street parking provision. There are no on-street parking restrictions in the vicinity of the site. On-street parking near to the site entrance could not therefore be reasonably ruled out and so there is the potential for vehicles approaching the site from the left to be across the centre line of the road. Furthermore, the angle at which the access meets Ramsden Street would have the potential to make it more difficult to exit the site to the left without encroaching into the other lane.
7. 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.
8. The speed limit in the vicinity of the access is 20mph. The visibility distances required by the Council are those in MfS that are commensurate with a 25mph 85th percentile speed. The Council justifies this distance on the basis of observed speeds at the site and that most vehicles exceed the speed limit in 20mph areas without traffic calming. The appellant has not presented any information on recorded speeds of vehicles.
9. Based on the evidence before me, I cannot be satisfied that the required visibility distance could be achieved at the site access. Without further clarity on the required visibility splays and how they could be achieved, or evidence on the speed of traffic passing the site that would justify a lower visibility splay, the proposal would significantly increase the potential for conflict between road users.
10. Reference has been made to an application<sup>1</sup> for a single dwelling at the site where the appellant states that the Council's suggested visibility splay was at least 25 metres x 2.4 metres. However, the access point for this application appears to be different to that proposed in this case. I do not therefore find that scheme to be directly analogous to the proposal. In any event, I have evaluated this appeal on its individual planning merits.
11. I therefore conclude that the proposal would result in an unacceptable impact on highway safety. Accordingly, it would conflict with the highway safety requirements of Policy BT4 of the LP.

#### *Character and Appearance*

12. The properties in the vicinity of the site that face onto Ramsden Street are predominantly two storey dwellings, including a number that sit higher than street level on its north side. The proposed dwellings would present as single storey when viewed from Ramsden Street given the steeply sloping nature of the site. They would not therefore appear overly dominant in the street scene in this location.
13. In views from the south, the three storeys plus garden and parking area on two of the proposed dwellings would be apparent. However, properties of this scale are present within the area, including dwellings on City Lane, White Birch Terrace and Dyer Lane that are one or two storeys to the north but present as

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<sup>1</sup> 18/00816/OUT

three storeys to the south given the sloping nature of the topography in the area. Three storey dwellings are also on Princeton Close on the opposite side of the valley which are visible from the site.

14. Moreover, in views from the south, the proposed development would be viewed against the backdrop of the existing dwellings and retaining walls that are built into the hillside, and the dwellings on the north side of Ramsden Street that are at a higher level. Consequently, while the south facing elevations would have a relatively large scale and mass, the proposed dwellings would not be so dominant that they would be visually overwhelming and discordant.
15. The design of the dwellings on plots 2 and 3 would be different from other properties in the vicinity. This would mainly be due to the incorporation of a flat roof with a garden area on top and a rectangular structure which would be visible from Ramsden Street that would house a garden store and the entrance to the stairs down to the living areas on the floors below. The dwelling proposed for plot 1 is more traditional in design. As the proposed dwellings would be built into the hillside, there would be no windows on the north elevations, and those on the other elevations would be of a variety of sizes. However, the use of coursed stone would provide a link to the surrounding built form as would the vertical emphasis to the south elevations, being reflective of the sloping topography in the area.
16. There may be occasions when a more conservative design approach would be apt, such as where there is a considerable degree of homogeneity in the built environment. However, this is not the case here, where there is considerable variety in dwelling forms within the area including a mix of detached, semi-detached and terraced properties; heights that range from bungalows to three storeys; and a mix of older traditional properties and more modern house types.
17. The proposed dwellings would not have large gardens. However, the space around them when viewed from vantage points in the surrounding area means that the proposal would not appear cramped on the site.
18. Overall, the proposal would fit reasonably comfortably with its surroundings. I therefore conclude that it would not unacceptably harm the character and appearance of the area. Consequently, the proposal would accord with Policy BT1 of the LP, which requires proposals to take account of local context and distinctiveness amongst other matters. It would also accord with the design objectives of section 12 of the National Planning Policy Framework (the Framework).

#### *Living Conditions*

19. I have not been referred to any quantitative standards for private outdoor amenity space in the LP or any associated guidance. However, Policy BT2 of the LP requires that developments provide adequate private amenity space for residents. In addition, Annex 2 of the LP sets out that ordinarily, gardens must be of an adequate size, shape and level and should be in proportion with the dwelling proposed, size of plot and general character of the area.
20. The outdoor amenity spaces would not be large for three-bedroom dwellings, especially as they could reasonably provide accommodation for families. The gardens would be over different levels, which would limit their practical value

for meaningful family related activities such as childrens' play. However, they would provide a private space of sufficient size to accommodate typical garden activities such as sitting out, gardening, and drying clothes. Overall, therefore, I am not persuaded that the size or nature of the outdoor amenity areas would be so detrimental to the living conditions of future occupiers to warrant refusal of the proposal.

21. Consequently, I conclude that the proposal would provide acceptable living conditions for future occupiers with regard to outdoor amenity space. The proposal would not therefore conflict with the residential amenity requirements of Policy BT2 of the LP or section 12 of the Framework, notably paragraph 130.

### **Other Matters**

22. The appellant identifies that there are no designations within the site and a number of LP and Framework paragraphs relating to matters including flood risk, biodiversity, trees, and ground conditions that it is contended the proposal would accord with. While this may be the case, a lack of harm is effectively neutral in the planning balance.
23. The proposal would contribute to housing supply on a small site within a residential area. There would also be social and economic benefits such as construction employment and additional residents supporting local services and facilities. However, I do not afford such benefits very significant weight in the context of the Local Planning Authority identifying that, following the adoption of the LP, a five-year supply of deliverable housing sites can be demonstrated and given the quantum of houses proposed.
24. The appellant contends that, irrespective of the adoption of the LP, the Local Planning Authority cannot demonstrate a five-year supply of deliverable housing sites, and so the presumption in favour of sustainable development at paragraph 11d) of the Framework is engaged. I have found that there would be an unacceptable impact on highway safety as a result of the proposal. I acknowledge the benefits of the proposal as noted above, including the positive contribution to housing supply in a relatively sustainable location. However, even if I were to accept the appellant's position, the adverse impacts of granting a planning permission for the proposal, including the identified conflict with development plan policy, would significantly and demonstrably outweigh the benefits when assessed against the policies in the Framework taken as a whole.

### **Conclusion**

25. I have found that the proposal would be acceptable in terms of its effect on the character and appearance of the area and in respect of the living conditions of future occupiers. However, I am unable to conclude that it would be possible to erect three dwellings on the site without unacceptable harm being caused to highway safety. This is a matter of overriding concern and to this extent there would be conflict with the development plan when considered as a whole. Therefore, the appeal should be dismissed.

*F Wilkinson BSc (Hons), MRTPI*

INSPECTOR