



Appeal Decision

Site visit made on 3 July 2023

by S Pearce BA(Hons) MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 September 2023

Appeal Ref: APP/Z4718/W/23/3320069

34 Thorncliffe Estate, Batley WF17 7BG

- 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 Mohammed Razzak against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/93584/E, dated 19 October 2022, was refused by notice dated 10 February 2023.
 - The development proposed is described as "change of use, proposed ancillary living accommodation".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The building has already been substantially constructed. However, it is not complete and does not accord with the plans submitted. I have considered the appeal based on the development applied for and the plans submitted with it.
3. The description in the banner heading above comes from the application form. The evidence before me indicates the building was originally intended for use as a garage and, during its construction, a need arose for an ancillary annexe. The appellant subsequently applied for a change of use. The Council consider the building requires planning permission and amended the description of the development accordingly. The appellant has adopted the Council's description within their appeal form. I have therefore considered the appeal on this basis.
4. Since the determination of this application, the Government published a revised National Planning Policy Framework (the Framework) in September 2023, replacing the version published on 20 July 2021. Those parts of the Framework most relevant to this appeal have not been amended. As a result, I consider that there is no requirement for me to seek further submissions on the revised Framework, and I am satisfied that no party's interests have been prejudiced by my taking this approach.

Main Issues

5. The main issues are:
 - the effect of the proposed development on the character and appearance of the area; and,
 - the effect of the development on highway safety, with regard to parking provision.

Reasons

Character and appearance

6. Thorncliffe Estate predominately comprises two storey, semi-detached properties, in relatively spacious plots, with modest, largely open front gardens. Corner plots with wide side and front gardens further add to the spaciousness of this area. 34 Thorncliffe Estate (No 34) is a two storey, semi-detached property, sited in a wide, spacious, corner plot. Due to its layout and generous open corner plot, No 34 contributes to the character and appearance of the area.
7. Although single storey, the proposed developments substantial footprint and associated scale and massing are such that it would result in a tall and dominant form of development, that would not appear subservient to the host property, No 34. Its siting, in a very prominent position, close to the side boundary adjacent to the cul-de-sac, on a relatively open site, would further exacerbate its dominance. The proposed development would therefore result in an incongruous form of development, that would erode the openness of this open, corner plot, to the detriment of the prevailing character of the area.
8. I understand that the appellant intends to provide additional planting to screen the building, however no further details have been submitted. In any event, additional planting, together with a sympathetic roof design and use of suitable materials are not sufficient to overcome the harm identified.
9. I have limited information before me regarding the appearance and siting of the former prefabricated garage. While the proposal might have a less detrimental effect on its surroundings than the garage it is to replace, it would nevertheless harm the character and appearance of the area.
10. For these reasons, I conclude that the proposed development would result in unacceptable harm to the character and appearance of the area. This is contrary to Policy 24 of the Kirklees Local Plan Strategy and Policies Adopted 2019 (LP), which seeks, among other things, to ensure proposals promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape. This is also contrary to the aims of the Framework, which seeks, among other things, to ensure developments are sympathetic to local character.

Highway Safety

11. No 34 lies within a predominately residential area. There are no parking restrictions along Thorncliffe Estate. Although properties in the area typically have off-street parking provision, during my site visit I observed on-street parking along Thorncliffe Estate and surrounding streets. There are two takeaways within close proximity of No 34, to the front of which are a number of off-street parking spaces.
12. The submitted information indicates that No 34 had two off-street parking spaces in the form of a driveway and garage. I observed during my site visit that the former garage has been demolished. The Council have confirmed that as the annexe would provide an additional bedroom, one additional parking space is required. Although the current occupiers may not have need for a car, any future occupants of the property may do. The appellant has indicated that the area in front of the proposed annexe could be expanded to provide space

for the appellant's vehicle. Notwithstanding the Council did not request a parking plan during consideration of the planning application, the submitted plans do not identify the location, number or size of the existing and proposed parking spaces.

13. Based on the information before me, the appellant has failed to demonstrate that there is sufficient space within the site to accommodate the additional parking space. The proposed development is therefore likely to result in a shortfall of off-street parking spaces, thereby increasing the demand for on-street parking within the locality.
14. Although it is alleged that there are no parking issues in the area, no substantive parking survey has been submitted as part of the appeal. While only a snapshot in time, during a quieter part of the day, I observed during my site visit that there was demand for on-street parking along Thorncliffe Estate and in the wider vicinity. Further evening demand would be likely to come from residents returning from work.
15. Limited evidence has been submitted which demonstrates that there is sufficient capacity to safely accommodate the additional demand for on-street parking that would result from the proposed development. In the absence of such evidence and having regard to the existing demand for on-street parking, the proposed development is likely to increase on-street parking pressure along Thorncliffe Estate.
16. For these reasons, I conclude that the proposed development would have a harmful effect on highway safety, with regard to parking provision. This is contrary to Policies LP21 and LP22 of the LP, guidance within the House Extensions and Alterations Supplementary Planning Document 2021 and the requirements of the Framework. Collectively, these seek, among other things, to ensure development avoids a detrimental impact on highway safety, provides sufficient parking provision, maintains appropriate access and parking to ensure that highways are not affected by development and avoids unacceptable impacts on highway safety.

Other Matters

17. I understand that the annexe is to be occupied by the appellant's parents. The family members have a protected characteristic as set out in Section 149, of the Public Sector Equality Duty (PSED), contained in the Equality Act 2010. The PSED sets out the need to eliminate unlawful discrimination, harassment and victimisation, and to advance equality of opportunity and foster good relations between people who share a protected characteristic and people who do not share it. As such, I am obliged to have due regard to this consideration in my assessment of the positive effect of the proposed development on the family members wellbeing. The proposal would provide living accommodation for the appellant's parents and help them maintain their semi-independence. Furthermore, it would allow the appellant and their sibling, who I understand lives nearby, to provide additional support and care to their parents, which they now require. I have therefore afforded greater weight to the benefits of the proximity of the appellant and their sibling to their parents' wellbeing as required by the PSED.
18. Nonetheless, even with additional weight applied to this effect, there is no overriding reason to allow the erection of an ancillary annexe to address the

appellants' personal family circumstances. As such, this does not amount to a material consideration of sufficient magnitude to outweigh the primacy of, and conflict found with, the development plan.

19. I understand that local residents support the proposal, however this is a neutral matter.

Conclusion

20. For the above reasons, I conclude that the proposed development would conflict with the development plan as a whole. There are no material considerations, including the Framework, that indicate I should conclude other than in accordance with it. Consequently, I conclude that the appeal is dismissed.

S Pearce

INSPECTOR