



Appeal Decision

Site visit made on 21 March 2023

by K Lancaster BA (hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 November 2023

Appeal Ref: APP/Z4718/W/22/3309815

9 Foxglove Road, Almondbury, Kirklees, Huddersfield HD5 8LW

- 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 and Mrs A Randhawa against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/92372/W, dated 13 July 2022, was refused by notice dated 25 August 2022.
 - The development proposed is described as the "erection of detached dwelling with integral garage and off road parking - modified design to previous planning permission nr. 2022/62/90085".
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This decision is issued in accordance with Section 56(2) of the Planning and Compulsory Purchase Act 2004 (as amended) and supersedes the decision issued on 4 May 2023

Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached dwelling with integral garage and off road parking at 9 Foxglove Road, Almondbury, Kirklees, Huddersfield, HD5 8LW in accordance with the terms of the application, Ref 2022/62/92372/W, dated 13 July 2022, and the plans submitted with it, 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 relates to an infill plot located between 9 and 11a Foxglove Road. The site slopes in an upwards direction from Foxglove Road and is bounded to the rear by a public footpath. As a former garden plot, the site is currently primarily grassed with some tree and shrub planting, which provides screening to the site.
4. The surrounding area is characterised by large, detached dwellings situated in spacious verdant plots. I observed that there has been some recent development within the area, including 11a, which adjoins the site. The opposite side of the street is characterised by mostly single storey dwellings.
5. The character and appearance of this part of Foxglove Road is varied. However, elements which are considered to contribute to a sense of cohesion include the palette of materials, architectural features such as gables and spacious plots. I observed that most of the more traditional dwellings have complicated roof

forms, with multiple gable or hipped features. The character of the area has been altered by virtue of the recent developments which have been permitted, where the introduction of contemporary and varied design approaches to these plots has added further architectural interest and variety to the street.

6. The proposed development would be a split-level dwelling, appearing as a three-storey dwelling to its front elevation and a two-storey dwelling from its rear elevation. The site has no existing vehicular access but is proposed to be accessed via a private drive directly from Foxglove Road. The site is spacious, and the dwelling would take the form of a large L-shaped design, benefitting from a generous rear garden and off-street parking to the front of the site.
7. Full planning permission was granted¹ in June 2022 for a detached dwelling with integral garage and off-road parking on the appeal site. The general layout and arrangement of the site is broadly consistent with the extant permission on the site. The primary differences between this scheme and the approved scheme are the introduction of two forward projecting gable elements connected by a central flat roof and the reconfiguration of the roof line, along with substantial glazing to create a vertical emphasis.
8. The proposed dwelling would be of a similar scale and massing, albeit slightly lower in height than the approved dwelling. This reduction in height would serve to reduce the overall dominance of the dwelling. The proposed ridge height is reflective of the heights of the surrounding properties and would not appear dominant within the context of the neighbouring dwellings.
9. The secondary gable would be stepped back, retaining the L-shaped layout previously approved. As a result, the introduction of this gable feature, would not significantly increase the overall bulk of the dwelling.
10. The proposed scheme incorporates a mix of traditional and contemporary design cues which will ensure the development can be assimilated into the surrounding area. The degree of variance in roof styles, means that there is not a dominant character in the area. The proposed mix of more traditional gables, with contemporary materials and flat roofs ensures the design is of a high quality, which respects the character of the surrounding area and would not appear as an alien feature within the street scene.
11. Whilst I observed no dwellings of the same design as that which is proposed, the degree of architectural variation within the street and the existing approved design leads me to conclude that the proposed development would be of an appropriate form, scale and layout for the site, and the scheme which is before me for consideration would achieve a satisfactory relationship to other dwellings within the street. I do not find the design to be overly complicated, nor would its design appear fragmented in its form and appearance.
12. I have had regard to the Council's case and to Paragraph 135 of the Framework, which advises that the quality of approved development should not be materially diminished between permission and completion. However, as this application is seeking full permission in its own right, it is not relevant to my decision.
13. For the reasons set out above, I conclude that the proposed development would not harm the character and appearance of the area. Consequently, I find

¹ Planning Application Ref: 2022/90085

that there would be no conflict with Policy LP24 of the Kirklees Local Plan Strategy and Policies (2019) (LP), which seeks to promote good design by ensuring that the form, scale and layout of development respects and enhances the character.

Conditions

14. I have had regard to the Council's suggested conditions and considered them against the statutory tests outlined in the National Planning Policy Framework and the advice in the Planning Practice Guidance. I have made minor amendments, where necessary, to ensure the conditions comply with these documents.
15. I have imposed standard conditions concerning commencement (1) and compliance with the submitted plans (2). It is necessary that the development be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty.
16. A pre-commencement condition (3) is required in relation to the requirement for a contaminated land risk assessment to be undertaken prior to development taking place. This will ensure that, in the event contamination is found, any remediation works, which may have a bearing on the development, can be undertaken prior to the commencement of development. This condition is necessary to minimise risks to human health and the environment, and to ensure safe occupation of the site.
17. I have imposed conditions requiring the submission of further details of the external materials (4) and a scheme of hard and soft landscaping (5 and 6), these are necessary to protect the character and appearance of the area
18. To ensure satisfactory living conditions of neighbouring occupiers, I have imposed conditions requiring the installation of privacy screening to the rear patio and balcony (7 and 8) and obscure glazing of the upper ground floor side window (9).
19. In the interests of managing the risk of flooding from surface water run-off, a condition (10) requiring further details of permeable surfacing and drainage arrangements for the provision of access and parking areas to be submitted is necessary.
20. In accordance with the Council's policies, I have also imposed a condition requiring the provision of an electric car charging point (11) which is required to support low emission vehicles and installation of bat and bird boxes (12) within the approved dwelling which is required to enhance biodiversity.

Conclusion

21. For the reasons given above, having regard to the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be allowed.

K Lancaster

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:
 - Site Plan as Proposed 20118D-11 P03 (13th July 2022)
 - Floor Plans as Proposed 20118D-13 P05 (13th July 2022)
 - Elevations as Proposed 20118D-14 P03 (13th July 2022)
- 3) No development shall commence until an assessment of the risks posed by any contamination, have been carried out and submitted to and approved in writing by the local planning authority.

If any contamination is found, a report specifying the measures to be taken, including the timescale, to remediate the site to render it suitable for the approved development shall be submitted to and approved in writing by the local planning authority.

The site shall be remediated in accordance with the approved measures and timescale and a verification report shall be submitted to and approved in writing by the local planning authority.

If, during the course of development, any contamination is found which has not been previously identified, work shall be suspended and additional measures for its remediation shall be submitted to and approved in writing by the local planning authority.

The remediation of the site shall incorporate the approved additional measures and a verification report for all the remediation works shall be submitted to the local planning authority within 10 days of the report being completed and approved in writing by the local planning authority.

- 4) Prior to the commencement of above ground works, details of the materials to be used in the construction of the external surfaces of the dwelling hereby permitted shall be submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved details.
- 5) Prior to the first occupation of the dwelling hereby approved, details of both hard and soft landscape works shall be submitted to and approved in writing by the local planning authority.

These details shall include:

- tree and shrub planting (including their species, number, size, and positions);
- position, height, and materials of any boundary treatments, retaining structures or other means of enclosure; and
- hard surfacing materials.

The landscaping works (except planting) shall be carried out in accordance with the approved details before any part of the development is first occupied.

- 6) All planting, seeding or turfing comprised in the approved details of landscaping shall be carried out in the first planting and seeding seasons following the occupation of the buildings or the completion of the

development, whichever is the sooner; and any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species.

- 7) Prior to the first occupation of the dwelling hereby approved the privacy screen on the south side of the balcony on the rear elevation of the dwelling shall be constructed in accordance with the details that shall first have been submitted to and approved in writing by the local planning authority and thereafter retained.
- 8) Prior to the first occupation of the dwelling hereby approved the privacy screen to the north of the raised patio to the rear elevation of the dwelling shall be constructed in accordance with the details that shall first have been submitted to and approved in writing by the local planning authority and thereafter retained.
- 9) Prior to the first occupation of the dwelling hereby approved the upper ground floor window, serving the en-suite bathroom in the north (side) shown on drawing no 20118D-14-P02 shall be fitted with obscured glazing (Level 3 or above), and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 10) Prior to the first occupation of the dwelling hereby approved, the area shown on drawing no 20118D-11-P02 for access and parking shall be surfaced and drained in accordance with details that shall first have been submitted to and approved in writing by the local planning authority. That area shall thereafter be kept available at all times for the parking of vehicles.
- 11) Prior to the first occupation of dwelling hereby approved, one electrical car charging point shall be provided in an easily accessible location from the parking area and retained for the life of the development.
- 12) Prior to the first occupation of dwelling hereby approved, one bat box and one bird box shall be incorporated into the dwelling; the boxes shall be long-lasting and shall be located away from sources of light, at least 5 metres above ground and thereafter retained.