



Appeal Decision

Site visit made on 30 October 2023

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28th November 2023

Appeal Ref: APP/Z4718/W/23/3318511

60 Carr Hill Road, Upper Cumberworth, Kirklees, Huddersfield HD8 8XN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mr Linton Bentley against the decision of Kirklees Council.
 - The application Ref 2022/60/92783/E, dated 17 August 2022, was refused by notice dated 27 January 2023.
 - The development proposed is demolition of existing dwelling to make space for the construction of two new dwellings with detached garages
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. Outline planning permission is sought with all matters reserved and I have determined the appeal on this basis. The submitted application includes an indicative layout plan showing how the dwellings could be arranged on the site, and I have had due regard to this illustrative plan in the consideration of this proposal.

Main Issue

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

Reasons

4. The appeal relates to a detached bungalow at number 60 Carr Hill Road. The appeal site is located within a semi-rural location that is predominantly characterised by relatively large, detached dwellings situated within spacious residential curtilages.
5. The dwellings on the north side of Carr Hill Road are arranged in two almost parallel lines. The first row of properties fronts onto Carr Hill Road, and to the rear of these dwellings is another row of houses which are partially screened from Carr Hill Road by the front row but are visible from Barnsley Road (A635) to the north.
6. The appeal property is one of the dwellings set back and predominantly screened from Carr Hill Road, with its rear elevation facing Barnsley Road. Due to the natural topography of the area the appeal site is situated on higher land than Barnsley Road, resulting in the dwelling and appeal site being prominently viewed from this highway.

7. The appeal property is accessed via a narrow driveway leading from Carr Hill Road, between the properties at 58 and 60A Carr Hill Road, and is characteristic of the area in that it has a relatively large footprint and occupies a spacious plot with a generous boundary fronting onto Barnsley Road.
8. It is proposed to subdivide the existing plot to develop two dwellings, with associated garages and gardens.
9. The proposed subdivisions of the appeal plot would result in a form of development that is significantly more confined than is typical in the immediate vicinity. Whilst acknowledging that not all dwellings, curtilages and plots need to be identical in size, when experienced alongside the neighbouring houses and plots, the proposal would appear as an unduly cramped form of development. The two proposed dwellings would therefore fail to respect the prevailing surrounding pattern of built form, resulting in an inappropriate spatial relationship with neighbouring plots, to the visual detriment of the character and appearance of the area.
10. Whilst I have acknowledged the submitted plan is indicative, and layout is a reserved matter, the submission has not satisfactorily demonstrated that the site can accommodate two detached dwellings, with detached garages, without resulting in an over intensive quantum of development that would appear cramped and be out of keeping with its surroundings.
11. The appellant has drawn my attention to the dwelling at No 52 Carr Hill Road, stating that this property has been extended and takes up the full width of its plot. With regard to this nearby property, it is flanked either side by large dwellings situated within spacious plots, and therefore this dwelling does not appear overly cramped when viewed within its immediate surroundings. Furthermore, there is a Public Right of Way running directly along one side of No 52 and this further separates this property from the built form of the neighbouring dwelling to the side. In contrast, the appeal proposal would result in two tightly confined dwellings, within their respective narrow plots, directly adjacent to each other. This cumulative impact would only exacerbate the visual harm arising from the proposal.
12. For the reasons given, I conclude that the proposal would have a significant adverse impact upon the character and appearance of the appeal site itself, and the surrounding area. As such, it would fail to comply with Policy LP24 of the Kirklees Local Plan Strategy and Policies (2019) which seeks to ensure that, amongst other things, good design is at the core of proposals and the form and layout of development respects the character of the townscape.
13. Furthermore, the proposal conflicts with the Council's Housebuilders Design Guide Supplementary Planning Document (2021) where it seeks that development should have regard to the traditional built form and take cues from the character of the built and natural environment within the locality. The proposal would also be contrary to the National Planning Policy Framework (the Framework) where it seeks to ensure that development is sympathetic to local character, including the surrounding built environment and maintains a strong sense of place, using spaces to create attractive places.

Other Matters

14. I note the appellant's comments that the proposal would comply with policies in relation to separation distances between buildings, the re-use of materials, respecting the existing building line, orientation to allow for solar gain, and sufficient space for the storage of refuse and recycling facilities. However, I consider that any compliance with the relevant policies on these issues, as well as no objections being raised from consultees, are neutral matters that do not weigh in favour of the proposal.
15. The appellant explains that the Framework urges Local Authorities to boost the supply of housing, recognising that small and medium sites can make an important contribution to meeting the housing requirement of an area. The appellant also states that the Framework seeks to ensure that policies and decisions should support the development of windfall sites, with great weight given to the benefits of using suitable sites within existing settlements.
16. In response to these points, the proposed development would result in an increase in the Council's housing land supply. However, a resulting net increase of one dwelling would not outweigh the conflict I have identified in respect of the harm the proposed development would have upon the character and appearance of the area.

Conclusion

17. I conclude that the proposal would conflict with the development plan as a whole and there are no material considerations of sufficient weight that indicate the development should be determined otherwise than in accordance with it. Therefore, the appeal is dismissed.

R Major

INSPECTOR