



Appeal Decision

Site visit made on 8 January 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 January 2024

Appeal Ref: APP/A4710/W/23/3325323

1 Greystone Court, Brighouse HD6 3SB

- 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 Mrs Jenny Thakur against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 23/00192/FUL, dated 2 March 2023, was refused by notice dated 31 May 2023.
 - The development proposed is detached dwelling within garden.
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Decision

1. The appeal is dismissed.

Preliminary Matters

1. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The amendments to the Framework do not affect the matters that are in dispute in the determination of this appeal. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.
2. Additionally, since the Council issued its decision the 2022 Housing Delivery Test (HDT) results were published on 19 December 2023. Both parties were invited to provide additional comments on the HDT results and the comments received have been taken into consideration in the determination of this appeal.

Main Issue

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

Reasons

Character and appearance

4. The appeal site comprises of a section of the rear garden of the bungalow at No. 1 Greystone Court (No. 1), a corner property situated at the junction with

- Toothill Avenue. This rear garden backs onto the side boundary of the neighbouring detached two-storey dwelling at No. 15 Toothill Avenue (No. 15).
5. Whilst the rear garden currently contains a detached garage close to the shared boundary with No.15, the single storey element of this outbuilding ensures that the existing rear garden area creates a sense of open space between the dwellings. This sense of openness is a feature of the locality and makes a positive contribution to the character and appearance of this suburban area.
 6. The proposed dwelling would be set at the same level as the neighbouring property at No.15, which is at a lower land level than the bungalow at No.1. The proposed dwelling would consist of a mix of single and two storey elements, resulting in varying eaves heights. The dwelling would front onto Toothill Avenue, and therefore sit perpendicular to the rear elevation of No.1.
 7. Sited to the rear of No.1, and directly to the side of No.15, the proposal would sit in a significantly more confined plot than is typical of the surrounding area, with particular limited space to the side and rear. While not all plot sizes and garden areas need to be identical, when experienced alongside the neighbouring plots the proposal would appear as a cramped and contrived form of development. It would read as squeezed into the site and would fail to respect the prevailing surrounding pattern of built form. As a consequence, the dwelling would appear as confined within the site and the proposal would result in an incongruous addition, to the detriment of the character and appearance of the area.
 8. The appellant comments that the limited space provided to the side of the property would not be visible from Toothill Avenue, due to the existing screen hedging. However, I observed on my site visit that the existing single storey garage is visible from Toothill Avenue and thus the proposed dwelling, being larger in size, would also be visible from this street, both above the existing hedge and through the opening which allows vehicle access to the site. The confined nature of the proposed development would therefore be visible from the street.
 9. In terms of the height, the proposed dwelling would respect the ridge heights of the surrounding properties and the specific design of the dwelling would not appear out of keeping with the varying house styles in the area. These specific elements of the proposal would therefore not be harmful to the character and appearance of the area.
 10. In view of the above, the confined layout and nature of appeal proposal would have a harmful impact upon the character and appearance of the area. The proposal is therefore contrary to the objectives of Policy BT1 of the Calderdale Local Plan 2018/19 – 2032/33 (LP), which seeks to ensure, amongst other things, that new developments ensure high quality design; and respect or enhance the character and appearance of existing buildings and surroundings, taking account of local context and distinctiveness.
 11. 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.

Living conditions of future occupiers

12. A modest sized area of grass would be provided to the rear of the proposed dwelling, as well as a small front garden and space for the parking of two vehicles to the front of the dwelling.
13. The Council assert that the private garden area, as a result of its small scale, would not provide outdoor amenity space to cater for the needs of a family home and would be far below the existing outdoor amenity space afforded at many of the adjacent properties.
14. There are a variety of rear garden sizes in the area and as mentioned earlier not all garden areas need to be the same size. The proposed rear garden area, whilst fairly limited in size, is sufficient to support certain roles expected of rear garden space, such as an area for sitting out, hanging washing or the provision of other outdoor residential paraphernalia. As such this area would likely serve as a useful space for future occupiers. Furthermore, additional garden space would be provided to the front of the property.
15. I note the Council's comment in relation to the plans showing the property as a three-bedroom family dwelling. However, I recognise that future occupiers may not desire a large garden area and the upkeep involved with such a provision. Therefore the appeal proposal could cater for this particular demographic.
16. In view of the above, the proposal would provide sufficient outdoor amenity space, and acceptable living conditions for future occupiers. I therefore find no conflict with LP Policy BT2, where it seeks to ensure development provide adequate private amenity space for prospective residents.

Planning Balance and Conclusion

17. The most recently published HDT results indicate that the Council's delivery of housing was below 75% of the housing requirement over the previous three years, and consequently paragraph 11(d) of the Framework applies.
18. Paragraph 11(d) of the Framework indicates that where the requisite housing land supply does not exist, permission should be granted unless any adverse impacts of doing so would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
19. The delivery of one additional dwelling in a sustainable location is a social benefit arising from this proposal, as well as positively contributing to the Council's housing land supply, albeit the benefits of a single dwelling would be very modest. Limited economic benefits would also likely arise from employment during the construction works, and occupation of the proposed dwelling through additional expenditure in the area.
20. However, the proposal would give rise to significant harm to the character and appearance of the area and this harm would significantly and demonstrably outweigh the benefits of the scheme. As such, the proposal does not benefit from the presumption in favour of sustainable development set out in the Framework.
21. The proposal conflicts with the development plan when taken as a whole and the material considerations are not of sufficient weight which indicate that the proposal should be determined otherwise than in accordance with the

development plan. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

R Major

INSPECTOR