



Appeal Decision

Site visit made on 4 March 2024

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2024

Appeal Ref: APP/A4710/W/23/3331691

Land Adjacent to 172 Towngate, Clifton, Brighouse, Calderdale HD6 4HH

- 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 Ms Michelle Fleetwood against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 23/00681/FUL.
 - The development proposed is erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Since the appeal was submitted, a revised version of the National Planning Policy Framework (the Framework) has been published. In relation to this appeal the relevant parts of the Framework are similar. Consequently, I have not gone back to the parties for comments. Whilst I have had regard to the Framework in reaching my decision, no party would be prejudiced or caused any injustice by me taking this approach. In any event, the main parties were able to deal with this matter within their statement of case and final comments.

Main Issues

3. The main issues are, the effect of the proposed development on:
 - The character and appearance of the surrounding area; and
 - Highway safety.

Reasons

Character and appearance

4. The appeal site comprises part of the garden of No 172, which is a large, detached bungalow set within a spacious plot. The site is set back from Towngate and is surrounded by built development. The site therefore does not make a significant contribution to the surrounding area, but it does provide a sense of openness between the built development situated on Towngate and Westgate. The area is primarily characterised by two-storey, detached dwellings constructed of stone with pitched roofs. There are also terraces, bungalows and The Black Horse Inn within the vicinity of the site, and some of the nearby buildings are rendered.

5. The proposed dwelling would sit in a similar sized plot to other dwellings in the surrounding area. The development would introduce a large flat roofed dwelling with a pivoted first floor level. The dwelling would be finished in natural stone walling to the ground floor, with accented areas of sawn stone, and the first floor would be finished in render.
6. The pivoted first floor would be visible from the surrounding area. This is because of the topography of the area and there are gaps between buildings as well as the proposed height of the new dwelling. It is likely that the development would be more visible than that shown in the street-scene impact assessment, particularly in winter months, but I recognise that some of the vegetation is evergreen.
7. The combination of the flat roofed design, large glazed areas and proposed materials would draw the eye and would be distinctively at odds with the nearby buildings. The proposal would result in a dwelling which has a poor relationship with the nearby buildings and would fail to reflect the established character of the area. Consequently, as a result of the dwelling's form and design, the proposal would result in a discordant addition which would not respect the surrounding built development.
8. Planning permission has previously been granted for a dwelling at the appeal site. However, that development cannot be directly compared to the scheme before me. This is because planning permission was granted for a bungalow that largely reflected the design of No 172. Whilst the proposed flat roof would reflect that of both No 172 and the bungalow granted planning permission, two-storey, flat-roofed dwellings are not characteristic of the area.
9. For these reasons, the proposed development would cause unacceptable harm to the character and appearance of the surrounding area. Accordingly, it would conflict with Policy BT1 of the Calderdale Local Plan 2018/19 – 2032/33 (2023) (LP). This states, amongst other things, that the design style proposed in new developments should respect or enhance the character and appearance of existing buildings and surroundings, taking account of its local context and distinctiveness. It would also conflict with chapter 12 of the Framework which seeks to achieve well-designed and beautiful places, and states developments should be sympathetic to local character.

Highway safety

10. To satisfy the requirements of West Yorkshire Fire and Rescue service, an access road should be no less than 3.7m wide when dwellings are 45m or over from the highway. Currently there is a wall, hedge and planting which restricts the width of the driveway.
11. The existing site plan was taken from a topographical survey of the site, and the proposed scheme was drawn over this. The existing site plan contains less detail than is normally included on a survey base drawing and is not truly reflective of the site. For example, it shows a continuous hedge adjacent to 170 Towngate. Having said that, the proposed site plan details that the existing access road would be widened to 3.7m. There is no clear evidence before me to indicate that this would not be possible.
12. Based on the information presented, and subject to a planning condition, I am satisfied that the proposed development would provide adequate access

arrangements, including access for emergency services. The development would ensure the safe and free flow of traffic entering and exiting the site and manoeuvring within the site.

13. For these reasons, the proposed development would have an acceptable impact on highway safety. Consequently, it would comply with Policy BT4 of the LP which states that the design and layout of highways and accesses should allow access by emergency vehicles.

Other Matters

14. The Black Horse Inn, which is a Grade II listed building, is located close to the appeal site and therefore I have had special regard to section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act). The proposal would not unduly interrupt views of the listed building, nor would it have any notable impact on how the heritage asset is experienced. This is due to the distance between the appeal site and the listed building, as well as the intervening built development and vegetation. As such, I am satisfied that the development would have a neutral effect on the heritage asset and would preserve the special interest of the listed building. Consequently, the proposal would satisfy the requirements of the Act.
15. The proposal would result in the creation of one dwelling, which would very modestly contribute to the district's housing stock. There would also be very modest economic benefits.

Conclusion

16. I have found that the development would be acceptable in terms of highway safety, but it would cause unacceptable harm to the character and appearance of the surrounding area, to which I attach significant weight. The other matters, including benefits, would not outweigh the harm I have found.
17. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, I conclude that the appeal does not succeed.

L Wilson

INSPECTOR