



Appeal Decision

Site visit made on 12 March 2024 by Andreea Spataru BA (Hons) MA MRTPI

Decision by John Morrison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 15 April 2024

Appeal Ref: APP/Z4718/W/23/3332784

43 Little Green Lane, Heckmondwike, West Yorkshire WF16 9HF

- 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 Karise Smithson against the decision of Kirklees Council.
 - The application ref is 2023/62/92020/E.
 - The development proposed is the change of use of land to domestic garden and erection of perimeter fence.
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Decision

1. The appeal is dismissed.

Appeal Procedure and Preliminary Matter

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal. In addition, the description of development has been taken from the decision notice as it is more precise and concise than that on the application form.

Main Issue

3. The effect of the proposal on the character and appearance of the area.

Reasons for the Recommendation

4. The appeal site relates to an end of terrace dwelling at the southern side of Little Green Lane in a predominantly residential area. The dwelling sits at an angle with the road, from which it is separated by a green space. There is a high timber fence that is set in from the road, projects along the northern side boundary of the site, and provides screening for the dwelling's garden. Neighbours on the southern side of the road are also set back and there are several other intervening green spaces. A larger green area with trees extends on the opposite side of the road from the appeal site. The siting of the dwellings in relation to the road along with the greenery contribute positively to the pleasant open and verdant character of the street scene.
 5. The change of use of land along with the proposed fencing would bring the boundary of the residential curtilage next to the pavement. At my site visit I observed that the land levels decrease from the pavement towards the existing fence. Due to its location, the development, particularly the fence, would have a more prominent position within the street scene than the existing. The loss of the green area along with the introduction of a high timber fence next to the pavement would negatively impact the openness of the street scene. Whilst
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other green elements would be retained, such as the hedges, this would not be sufficient to outweigh the loss of the green area. Accordingly, the proposal would be unacceptably harmful to the character and appearance of the area. It would thus be contrary to the aims of Policy LP24 of the Kirklees Local Plan, which requires developments to promote good design by ensuring that their details respect and enhance the character of the townscape and landscape.

Other Matters

6. Whilst I acknowledge the photographic evidence of other developments in the area, I do not have full details of those cases. Moreover, there is no sufficiently detailed information before me that shows how the proposal is comparable with them, particularly the housing scheme. Nevertheless, I have considered the development on its own merits and site-specific circumstances. The proposal would provide an increased sense of security for the appellant's family. This is not however sufficient to outweigh the harm that I have found and outlined above, particularly since it has not been demonstrated that this is the only means of achieving that end.

Conclusion and Recommendation

7. For the reasons given above, the appeal scheme would conflict with the development plan and there are no material considerations worthy of sufficient weight that would indicate a decision other than in accordance therewith. I therefore recommend the appeal be dismissed.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

8. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

John Morrison

INSPECTOR