
Appeal Decision

Site visit made on 3 April 2024

by R C Kirby BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17th April 2024

Appeal Ref: APP/Z4718/W/23/3334287

11, Park View, Cleckheaton, Kirklees BD19 3AN

- 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 Liam Broadbent against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2023/62/92845/E.
 - The development proposed is formation of a one storey bungalow.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are the effect of the proposal on:
 - the character and appearance of the area by virtue of its design, and
 - whether the resultant development would be safe given past coal mining activity in the locality.

Reasons

Character and Appearance

3. The appeal site is located within a largely residential area comprising a mixture of 2 and 3 storey dwellings with ground floor bay windows. There are a range of plot sizes in the locality, with small rear outdoor spaces to the rear of Nos 7, 13 and 15 Park View, long narrow gardens to the rear of the terrace fronting Park View and modestly sized gardens to the new housing development beyond the cul-de-sac of Park View.
4. The new dwelling would be single storey and whilst it would be constructed of materials to match those in its locality, its form would not be sympathetic to local character. It would result in an alien feature in the street scene. Moreover, the front elevation would, on account of the angled window fail to reflect the characteristic fenestration detail of nearby properties.
5. The concern relating to obscure glazing on a small window in the front elevation is noted, but the type of glazing could be controlled by condition in the event that the appeal was allowed, allowing privacy to the intended occupiers of the dwelling, whilst respecting the appearance of the area. Whilst the building to plot size ratio would be high, the amount of outdoor space

proposed would not be uncharacteristic of the area, or the context within which it would be experienced.

6. Reference is made to the height of the ridge and eaves being proportional to approved properties in the locality, but no details have been provided in this regard. As a new dwelling, designing it so that it reflects the Council's guidance on extensions is not appropriate.
7. I note that the appellant has designed the dwelling to ensure that no harm would be caused to the living conditions of nearby occupiers, that sufficient car parking would be provided, that the room sizes of the accommodation are not in dispute, and that energy efficiency would be incorporated into the built form. Such matters would be expected of any well-designed development thus do not weigh in favour of the proposal. The provision of bungalows is not in dispute, but in this case, given the context of the built form, such development is not acceptable for the reasons set out.
8. Given my findings I conclude that the design of the proposal would be harmful to the character and appearance of the area in conflict with Kirklees Local Plan, Kirklees Local Plan Strategy and Policies, Adopted 27 February 2019 (KLP) Policy LP24 which seeks to promote good design by ensuring that, amongst other matters, the form, scale and details of all development respects and enhances the character of the townscape. There would also be conflict with Principle 2 of the Council's Housebuilders Design Guide Supplementary Planning Document which has similar objectives to the development plan in terms of design.

Safety

9. The appeal site is located within the Coal Authority's Development High Risk Area. The submitted Consultants Coal Mining Report dated 9 February 2023 identifies the location of mine shafts and workings nearby. It also established that there is potential risk to the development of the appeal site from past mining activity, advising that further investigation is required. The appellant has indicated that there was not time to submit a further report in this regard.
10. Be that as it may, without further information I cannot be satisfied that the development of the site would be safe, either during the construction phase, or for the intended future occupiers. The proposal conflicts with the requirements of KLP Policy LP53 which requires the submission of appropriate contamination/land instability assessments where land is located in certain areas, along with necessary mitigation.

Other Matters

11. I note the submitted representations against and in support of the proposal. There is nothing within the development plan that suggests that where there is support for a development proposal that it should be granted planning permission where there is conflict with the development plan as a whole.
12. The new dwelling on this small site would make a contribution to the supply of housing in the locality, albeit the benefit associated with this would be limited given the quantum of development proposed. The suggestion that the proposal would tidy up the site is noted, however at the time of my visit, it did not appear particularly untidy. Even if it were, the neglect of a site should not provide justification for harmful development.

Planning Balance

13. The provision of a small single storey dwelling within proximity to services and facilities carries limited weight in this case and does not outweigh the harm that would be caused to the character and appearance of the area, the potentially unsafe development of the site or the conflict with the development plan.

Conclusion

14. For the above reasons and having regard to all other matters raised the proposal conflicts with the development plan as a whole. There are no considerations which indicate a decision other than in accordance with the development plan. The appeal is dismissed.

RC Kirby

INSPECTOR