



Appeal Decision

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

Decision by M Russell BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 April 2024

Appeal Ref: APP/Z4718/W/23/3328807

Site adjacent to No 76 Stoney Lane, Longwood, Huddersfield HD3 4TL

- 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 M Illingworth against the decision of Kirklees Council.
 - The application ref is 2022/62/92248/W.
 - The development proposed is described as demolition of garage and the erection of a pair of semi-detached dwellings with parking.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of garage and the erection of a pair of semi-detached dwellings with parking at site adjacent to No 76 Stoney Lane, Longwood, Huddersfield HD3 4TL in accordance with the terms of application ref 2022/62/92248/W and subject to the conditions outlined in the schedule at the end of this decision.

Appeal Procedure

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.

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 a parcel of land located on the northern side of Stoney Lane, in between residential dwellings. The immediate area is predominantly residential. There is a mix of terraced, semi-detached, and detached dwellings within the street scene. Some of the neighbouring dwellings have off-street parking, either as private paved driveways to the front or side, or garages to the side. On-street parking is prevalent, particularly to the front of the terraced dwellings.
 5. I agree with the Council that the scale, siting, layout and design of the houses would be compatible with the area. The Council's reason for refusal relates specifically to the off-street parking located to the front of dwellings.
 6. Paragraphs 7.15, 7.53, and Principles 2, 5, and 12 of the Housebuilders Design Guide SPD Kirklees Council refer specifically to car parking to the front of dwellings and collectively recommend that careful consideration is given to accommodating garages and car parking within the development to ensure
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they are not visually dominant. It is also outlined that car parking within the streetscape and within the plot at the front of dwellings should form part of a well-landscaped streetscape, so its visual effect is minimised, such as screening with low hedgerows, avoiding the creation of bland streetscape that are dominated by car parking.

7. Whilst some of the existing paved driveways on Stoney Lane are limited in width or/and length to accommodate only one vehicle, hard surfaces are prominent within the street scene, either to the front or side of dwellings. Furthermore, I observed that on-street parking is common on both sides of the road, thus car parking is an established part of the streetscape.
8. The appeal site is located where there is a slight bend in the road; land levels decrease from the pavement towards the rear of the appeal site. The proposed dwellings would be set back from the road, with their footprint fully behind that of neighbouring dwelling No 76 Stoney Lane and partially beyond the front elevation of No 80 Stoney Lane. The proposed parking spaces, whilst located to the front of dwellings, would not be overly prominent, particularly when approaching the appeal site from the south of Stoney Lane, as they would mostly be contained behind the adjoining dwelling at No 76.
9. The car parking would be more visible when viewed from the front and when approaching the appeal site from the north-west of the road. However, the low-level planting coupled with the geo-grid grasscrete system would help to soften the appearance of the frontage. This would also minimise the visual effect of the car parking areas to the extent that they would not be overly dominant within the street scene in line with the guidance in the SPD.
10. I conclude, the development would have an acceptable effect on the character and appearance of the area. In this regard, the proposal would comply with the design and character requirements of LP Policy LP24(a) of the Kirklees Local Plan Strategy and Policies (2019).

Other matters

11. I note the Council's concern regarding the proposal creating a precedent. However, I have assessed the proposal on its own merits and for the reasons given it would be acceptable in this particular instance.
12. I have taken into account the concerns raised by third-parties not already covered under the main issue. With regards to potential effects on neighbouring living conditions, principal means of outlook would be to the front and rear of the dwellings and would only facilitate oblique views of neighbouring gardens. Any side windows could be conditioned to be obscurely glazed to prevent any material effects on neighbouring privacy. The relative alignment of, and space between, the building and neighbouring properties would also ensure that there would be no harmful overbearing or overshadowing effects.
13. There is no objective evidence before me to suggest that the findings of the Council and the local highway authority are unreasonable in terms of highway safety and parking matters. I agree with Council and the local highway authority that there would be limited benefit in extending the footway across the site frontage as there is already no footway east of the site on this side of

Stoney Lane. Any Japanese knotweed on the site could be eradicated through the Council's suggested condition. The adequacy or not of existing street lighting not a matter that should preclude development of the site in this instance.

Conditions and Recommendation

14. In the interest of proper planning and to provide certainty I have recommended the standard time limit condition and specified that the development should be carried out in accordance with the approved plans.
15. In order to protect the character and appearance of the area, the living conditions of the occupiers of neighbouring dwellings as well as those of the future occupiers of the proposed dwellings, and in the interests of the biodiversity of the site and climate change mitigation, the Council's suggested conditions requiring further details on external materials, landscaping, boundary treatments, a scheme to eradicate Japanese Knotweed, an ecological design strategy, and measures to assist in combatting climate change, are reasonable and necessary and are therefore attached.
16. Conditions concerning openings in the side elevations of the proposed dwellings are also necessary to ensure an adequate level of privacy for the occupiers of the adjoining dwellings.
17. In the interests of highway safety and character and appearance, conditions are attached requiring the areas shown on the submitted plans to be reserved for parking of vehicles and storage of refuse containers to be retained as such.
18. In order to promote infrastructure that encourages modes of transport with lower impact on air quality, a condition requiring electric charging points to be installed is reasonable and necessary.
19. Where required, I have revised the wording of the Council's suggested conditions to better reflect the requirements of the Planning Practice Guidance. The condition relating to Japanese Knotweed requires the submission of details for approval prior to the commencement of development on site to ensure that this is appropriately dealt as part of the development works and prior to occupation. I note the appellant's agreement to this and the other specified condition.
20. For the reasons given above and having had regard to all other matters raised, I recommend that the appeal should be allowed subject to these conditions.

Andreea Spataru

APPEAL PLANNING OFFICER

Inspector's Decision

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

M Russell

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Location Plan ref 2221, Existing Site Survey Plan (HH Surveys Ltd), Proposed Site Plan ref 2221 01 rev C (Showing parking areas surfaced in Geo-grid Grasscrete System) and accompanying Grasscrete brochure, Proposed Plans and Elevations ref 2221 02 rev C and Proposed Streetscape and Rear View ref 2221 03 rev B, unless otherwise varied by the following conditions.
- 3) No development shall take place until details of a scheme to eradicate Japanese Knotweed on the site has been submitted to and approved in writing by the Local Planning Authority. All works which form part of the approved scheme shall be completed prior to the development first being occupied.
- 4) No development shall take place above ground level until samples of the materials and finishes to be used for the external elevations and roof of the development have been provided to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details unless the Local Planning Authority gives written approval to any variation.
- 5) Before the occupation of the dwellings hereby approved, the area shown on the approved plans as reserved for the parking of vehicles shall be provided in accordance with the approved details (Project no 2221, drawing no 01, revision C, Geo grid Grasscrete system) and shall be in accordance with the Communities & Local Government and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' 2009 (ISBN 9781409804864) as amended or any successor guidance unless arrangements have been made to direct run-off water to a soakaway or sustainable drainage system within the site. Thereafter the area shall be used for those purposes only and maintained free from any impediment to its designated use.
- 6) The areas to be used for the storage of refuse containers as indicated on the proposed site plan (Project no 2221, drawing no 01, revision C, Geo grid Grasscrete system) shall be provided and laid out with a hardened and drained surface before first occupation of the dwelling to which they relate, and shall be so retained thereafter.
- 7) All windows in the side elevations of the approved dwellings shall be non-opening or top-opening only and shall be fitted with obscure glazing to give a grade 5 degree of obscurity before the development is first brought into use. Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification), windows of this type shall be retained at all times.
- 8) Notwithstanding the provisions of section 55(2)(a)(ii) of the Town and Country Planning Act 1990 and the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking or re-enacting that Act or Order with or without modification) no new door or window

openings other than those expressly authorised by this permission shall be constructed in the external side walls of the dwellings at upper ground floor level at any time.

- 9) A full scheme of boundary treatments, including details of the height of any new or retained walls or fences, shall be submitted to and approved in writing by the Local Planning Authority before any approved dwelling is first brought into use. Any screen fences or walls within 2m of the highway boundary shall be no more than 900mm in height above the level of the adjoining carriageway. Any new or replacement boundary walls or fences shall be provided with at least one gap, minimum 130mm by 130mm, at its base, to enable the movement of hedgehogs. The boundary treatments thus approved shall be erected and constructed before the dwelling to which they relate is first occupied, and thereafter so retained.
- 10) Before work commences on the superstructure of any approved dwelling, an ecological design strategy (EDS) which sets out the means of providing ecological enhancement shall be submitted to and approved in writing by the Local Planning Authority. The EDS shall include the followings:
 - a. Purpose and conservation objectives for the proposed works.
 - b. Review of site potential and constraints.
 - c. Detailed design(s) and/or working methods(s) to achieve stated objectives.
 - d. Extent and location/area of proposed works on appropriate scale maps and plans.
 - e. Type and source of materials to be used where appropriate, e.g. native species of local provenance.
 - f. Timetable for implementation demonstrating that works are aligned with the proposed phasing of development.
 - g. Persons responsible for implementing the works.
 - h. Details of initial aftercare and long-term maintenance.
 - i. Details for monitoring and remedial measures.
 - j. Details of disposal of any wastes arising from works.

The EDS shall be implemented in accordance with the approved details and all features shall be retained in that manner thereafter.

- 11) Before work above foundation level commences on the approved dwellings, details shall be submitted to and approved in writing by the Local Planning Authority of measures to assist in combating climate change that shall be incorporated into the development. This may include, but not be limited to, on-site micro-generation and measures to improve the energy performance of the new dwellings beyond the minimum requirements in the Building Regulations. The approved measures shall be installed before the dwelling to which they relate is first occupied, and thereafter retained.
- 12) One electric vehicle recharging point shall be installed for each of the approved dwellings before it is first occupied. Cable and circuitry ratings shall

be of adequate size to ensure a minimum continuous current demand of 16 Amps and a maximum demand of 32 Amps. The electric vehicle charging point so installed shall thereafter be retained.

END OF SCHEDULE