

Appeal Decision

Site visit made on 13 May 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 29th May 2024

Appeal Ref: APP/Z4718/D/24/3340895

9 Cawley Lane, Heckmondwike WF16 0BJ

- 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 Ayaz Ashraf against the decision of Kirklees Council.
 - The application Ref 2023/62/93635/E, dated 6 December 2023, was refused by notice dated 6 February 2024.
 - The development proposed is a games room.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the character and appearance of the area.

Reasons

3. The proposal would result in a sizable, single storey games room in the front garden of this large detached house. The property has a high boundary hedge which bounds this corner plot, effectively allowing the front garden to be utilised as a private amenity space, akin to a private rear garden. Given the height of the proposed building and the position of the neighbouring house, the building would be largely screened from view. There would be some limited views of it through the side access and above the timber fence erected in the corner at the front of the plot. From these vantage points there are already some views of the existing garden building that already extends forward of the building line of the house. The proposal would be larger and more dominant than the existing outbuilding and its simple functional design would be at odds with the detailing and design quality of the front elevation of this distinctive house. However, it would similarly have only a very limited wider visual impact with the hedging in place.
 4. Without the roadside hedge, the situation would be entirely different. As it offers valuable privacy, there is no indication that it is likely to be removed or lowered, but this cannot be assured; nor can its continued health. Whilst a condition to require its retention may assist, if the hedge failed or was removed, the remedy, to re-plant it, would leave the garden exposed to view for many years. The proposed building, whilst of a suitable design for a rear garden that is not open to view, would be of a very poor design standard for
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such an exposed position forward of the main elevation of this distinctive house. Despite being single storey and set below the level of the house; and against the backdrop of the neighbouring dwelling, it would be entirely unacceptable, if exposed to view, given its position close to the road and to the front of the house.

5. Whilst there is no reason to believe that the appellant would wish to remove the hedge, regard must be had to the long term and any future occupiers of the property. I am also mindful that the hedge, which formally ran between this property and its neighbour, has been removed. I do not know the circumstances that led to its removal but it has been replaced by a high timber fence. This fence wraps around to the frontage. I am unclear if the frontage element of the fence has formal consent but in any event, a fence around the remainder of the site of a height sufficient to provide adequate screening should the hedge be removed or fail, would require planning permission. There is no certainty that this would be acceptable with regard to the character or appearance of the area. A replacement fence, not requiring formal consent, would be unlikely to provide an adequate level of screening.
6. Given that there is no certainty that the screening hedge would be retained throughout the full lifetime of the proposed building, I must conclude that the structure, due to its position, design and scale, has the clear potential to be unacceptably harmful to the character and appearance of the area. I am not satisfied that there are any mechanisms available that would successfully mitigate against this in the longer term. In these circumstances, the proposal would conflict with the design objectives of policy LP24a of the Kirklees Local Plan 2019 as the form, scale, layout and details of the development would fail to respect or enhance the character of the townscape. It would also be contrary to Key design principle 1 of the House Extensions and Alterations Supplementary Planning Document 2021 which advises that alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. The proposal would conflict with the *National Planning Policy Framework 2023* as this seeks development that adds to the overall quality of the area.
7. In conclusion, although this front garden area is currently well screened, this cannot be assured into the future. Without the existing hedge, the proposal would unacceptably detract from both the appearance and character of the dwelling and the wider area. Although I have considered the submissions made by the appellant, these do not indicate that there are any matters that outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR