

Appeal Decision

Site visit made on 3 September 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 September 2024

Appeal Ref: APP/A4710/W/24/3344894

Land south east of 160 Warley Road, Halifax HX1 3TW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr P Mahmood against the decision of Calderdale Council.
 - The application Ref is 22/00614/FUL.
 - The development proposed is the removal of existing garage block and construction of detached garage and store.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The garage block had already been demolished at the time of my visit and the walls of the detached garage and store proposed were in place, although the construction was not complete. For clarity, I have dealt with the appeal based on this basis.

Main Issues

3. The main issues are the effect of the proposal on (i) highway safety, (ii) the character and appearance of the area, and (iii) the living conditions of neighbouring residential occupiers with regards to daylight, sunlight and outlook.

Reasons

Highway safety

4. The proposed garage would replace two garages that were previously located on the appeal site. The proposal would however be sited to the edge of the footway, unlike the previous garages which were set back. This would result in a vehicle exiting the garage having insufficient visibility of passing pedestrians and of vehicles turning off Warley Road, thereby potentially giving rise to a greater risk of accidents occurring.
5. Whilst the previous garages didn't have any turning area, and the proposal in this regard is no different, the revised siting of the garage would reduce visibility and increase the chances of collision.

6. Given the above, I conclude that the appeal development would have an unacceptable adverse impact on highway safety. As such, it would be contrary to Policy BT4 of the Calderdale Local Plan 2018/19 – 2032/33 (Local Plan), which seeks, amongst other matters, to ensure the safe and free flow of traffic in the interest of highway safety.

Character and appearance

7. The appeal site is situated in an area that comprises predominantly of two-storey terraced housing. They are typically situated to the edge of the footway or behind a short forecourt which are bounded by low boundary walls. This built form provides for a unified residential character.
8. The proposed garage and store would be larger in both its footprint and height than the previous garages that occupied the site. Despite the larger scale of the proposal, the development would nonetheless be a single storey structure in an area that comprises of mainly two storey buildings. The proposed building would be in line with the highway on Warley Road, but there are nearby terraces on this same road that have similar siting.
9. The proposal would include six roof lights, which although not typical of a domestic garage, the roof lights would be on two different roof planes and given their size and alignment, they would not appear discordant.
10. I therefore conclude that the proposed development would not have an unacceptable adverse impact on the character and appearance of the area. As such, it would be compliant with Local Plan Policy BT1, which seeks high quality design that takes account of local context and distinctiveness.

Living conditions

11. The proposed garage would be located a short distance from dwellings on Mile Cross Gardens. One of these neighbouring dwellings, No. 12 is separated from the proposal by a detached garage, and I do not therefore consider that there would be any adverse impacts on light or outlook arising. No. 10 Mile Cross Gardens would be partly offset from the proposed garage, and as it would not have a direct relationship with it, I do not consider that there would be a harmful loss of light or outlook to its occupants.
12. No. 148 Warley Road is located on the other side of the road and as it has limited openings on its side elevation which faces the appeal site, the development would not have an overbearing impact on its occupants.
13. For the reasons given above, I conclude that the development would not cause unacceptable harm to the living conditions of neighbouring residential occupiers with regards to daylight, sunlight and outlook. As such, it would comply with Policy BT2 of the Local Plan, which seeks, amongst other matters, for development proposal should provide adequate daylighting for existing residents.

Conclusion

14. I have found that the proposed development would not be unacceptable in relation to character and appearance or living conditions. These are however neutral matters and not ones which weigh in favour of the proposal.

15. I conclude that the proposal would not accord with the development plan as a whole, and there are no other considerations, including the National Planning Policy Framework, that indicate that I should take a decision other than in accordance with this.

F Rafiq

INSPECTOR