

Appeal Decision

Site visit made on 11 September 2024

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 1 October 2024

Appeal Ref: APP/Z4718/W/24/3342020

1 Moor Park Gardens, Dewsbury WF12 7AS

- 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 B Gomersal against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2023/62/93537/E.
 - The development proposed is new dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:

- The effect of the proposal on the character and appearance of the area; and,
- The effect upon the living conditions of future occupiers, with particular regard to the internal floor space for the first-floor single bedroom.

Reasons

Character and appearance

3. The proposed dwelling would be situated within the side garden area of 1 Moor Park Gardens, which is located on an open corner plot. This proposal would create a detached 2 storey building with the upper floor in the roof space, utilising gabled side elevations with dormers located to the front and rear in this location, similarly to properties in the immediate vicinity. 1 Moor Park Gardens and other properties located in the immediate vicinity are semi-detached units. Despite its high concentration of residential properties, there is an open character along Moor Park Gardens owing to the topography of the area and the space between dwellings.
4. Sited in this position, the proposal would enclose the space on an open corner plot. It would have prominent gable features, leaving a small gap between the highway and the building proposed. The large garden space found at the appeal site is similar to that at the neighbouring property opposite the appeal site. This would be reduced to the detriment of the open and spacious

character found when entering Moor Park Gardens. The appeal site would therefore create a cramped and enclosed appearance at the entry into the street.

5. Furthermore, the proposal would create a detached building in an area of semi-detached properties. I do note that 2 Moor Park Gardens is a detached building which takes the form of the semi-detached units in the immediate vicinity. However, this building is different in its appearance due to the transition experienced to the taller buildings located further into Moor Park Gardens. It is also not located on a prominent corner plot and is not as noticeable when viewed from the appeal site. As such, the proposal would fail to follow the overall established building form and character of the area.
6. To conclude, the proposal would cause harm to the character and appearance of the area as it would take a contrasting form to the buildings around it and appear cramped in its plot. This would not respect the form, scale or layout of the area. As such, this would conflict with Policy LP24 of the Kirklees Local Plan Strategy and Policies 2019 (LP) and the guidance found within the Householders Design Guide SPD 2021 (SPD). This policy and guidance state that proposals should promote good design by ensuring that the form, scale and layout of the development respects and enhances the character of the townscape.

Living conditions on future occupiers

7. The first-floor single bedroom would be located to the front of the building and would be notably smaller than the other two located within the proposal. It would be served by one window. The Council advises that this would create a space which measures approximately 6.9m² and that the Nationally Described Space Standards (NDSS) require an internal floor space of 7.5m². This is not refuted by the appellant. However, the NDSS are not discussed in the LP or SPD with specific relation to the size of bedrooms. The SPD stipulates minimum gross internal floor areas, but these are not broken down to specific room sizes.
8. But the assessment of space should not just be confined to a numerical calculation. As illustrated on the proposed plans, the space would allow for a single bed, with a minimal amount of furniture in the room with enough space for a small walkway. Once possessions are placed within this space, this would lead to a cramped experience of this room, which would be difficult to manoeuvre in. As such, the confined space of the first-floor single bedroom would not provide a satisfactory level of amenity for its future occupier.
9. To conclude, the proposal would work against Policy LP24 of the LP which requires proposals to provide a high standard of amenity for future occupiers. The proposal would also work against Principle 16 of the SPD. Although only guidance, this principle suggests that all new build dwellings should have sufficient internal floor space to meet basic lifestyle needs and provide high standards of amenity for future occupiers.

Planning Balance

10. The Council has noted that it is unable to demonstrate a five-year housing land supply and that its current published position is 3.96 years. As such,

paragraph 11(d) of the Framework is engaged. As there are no relevant policies protecting areas or assets of particular importance in this case, the requirements of paragraph 11(d)(ii) of the Framework therefore apply.

11. I have found conflict with Policy LP24 of the LP as I have found harm against the character and appearance of the area and on the future occupiers of the proposed dwelling. On that basis, I conclude that there is conflict with the development plan as a whole. The Framework states that good design is a key aspect of sustainable development which contributes to creating better places. As such, this policy is in general conformity with the Framework and the conflict with them should be given significant weight in this appeal.
12. The Framework refers to significantly boosting the supply of housing. One additional unit would make a small contribution to that supply. The site is in an accessible location in Dewsbury, which hosts a range of services and key facilities. The proposal would also provide local economic benefits during the construction period. The future occupiers would also provide economic benefits to the local area once the development would be complete through their use of local shops and services. The appellant has suggested that the proposal would provide sufficient parking, turning space and an electrical vehicle charging point within the site, would also provide adequate bin storage and appropriately sized amenity spaces. These are neutral in the weighting of my decision as there is no harm or policy conflict.
13. However, the proposal would result in significant harm to the character and appearance of the area and to future occupiers, with particular regard to internal floor space. When assessed against the policies in the LP when taken as a whole, the adverse impact to the character and appearance of the area and on the living conditions of its future occupiers would significantly and demonstrably outweigh the benefits that one dwelling would bring.

Conclusion

14. For the reasons given above, I conclude that the proposal would conflict with the development plan. There are no material considerations that indicate that the development should be determined otherwise than in accordance with it. Therefore, the appeal should be dismissed.

J Smith

INSPECTOR