



Appeal Decision

Site visit made on 17 September 2024

by F Rafiq BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3 October 2024

Appeal Ref: APP/Z4718/W/24/3342378

Land off Intake, Golcar, Huddersfield HD7 4RB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant outline planning permission.
 - The appeal is made by Mrs C Walker against the decision of Kirklees Council.
 - The application Ref is 2023/60/92224/W.
 - The development proposed is the construction of a detached dwelling as a replacement of storage building including car parking and garden.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The appeal is for outline planning permission with appearance and landscaping reserved for later consideration. I have considered the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site comprises of a long linear area of land that adjoins a bowling green and a car park. It is situated in an area that comprises of a mix of dwellings, but along Intake, the buildings generally consist of two storey dwellings that are set back from the road behind garden and parking areas. This provides for a verdant, spacious character.
5. The proposed dwelling would have a linear form and be situated close to the boundary on a number of sides. This includes a short setback from Intake which would result in the proposed dwelling having a cramped appearance. The narrow garden proposed would also not reflect the layout of gardens to existing dwellings in the area. Whilst there are buildings located to the back of the footway, these are on Leymoor Road and not Intake where the appeal site is located and from where the proposal would be most readily visible.
6. The appellant has referenced the proposal would be of a similar footprint to the existing garage/storage structure, but from the information provided, it would be closer to the neighbouring car park to the west as well as projecting further to the north and south than the existing structure. The scale and massing of this scheme, although reflecting the scale of other properties in the area, would on this site, given the siting and footprint of the development, be harmful to the character of the area. Although an acceptable architectural

style could be used, appearance is a reserved matter and would not overcome the harm I have identified.

7. I therefore conclude that the proposal would have an unacceptable adverse effect on the character and appearance of the area. As such, it would be contrary to Policy LP24 of the Kirklees Local Plan Strategy and Policies, the Kirklees Housebuilders Design Guide Supplementary Planning Document and Paragraph 135 of the National Planning Policy Framework, which seek, amongst other matters, good design that respects and enhances the character of the townscape.

Other Matters

8. The proposal would provide an accessible, energy efficient dwelling suitable for first time buyers or those looking to downsize. It is situated in a location that is accessible to shops, services and public transport connections, and would make use of brownfield land that has been subject to fly-tipping. These considerations weigh in favour of the development, but they would not however outweigh the harm that I have identified in relation to the main issue.
9. The development would be acceptable in relation to highway safety, flood risk and biodiversity. It would not give rise to any unacceptable adverse impacts on surrounding residential occupiers and the development would in terms of its size, provide acceptable living conditions for future occupiers. These are however neutral considerations and are not matters which weigh in favour of the development.

Conclusion

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

F Rafiq

INSPECTOR