



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: 9 October 2024

Appeal Ref: APP/Z4718/W/24/3344713

176 Almondbury Bank, Almondbury, Huddersfield, Kirklees HD5 8EX

- 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 Jonathan Gould against the decision of Kirklees Council.
 - The application Ref is 2023/62/93487/W.
 - The development proposed is an infill dwelling on land adjacent existing back-to-back terrace.
-

Decision

1. The appeal is allowed and planning permission is granted for an infill dwelling on land adjacent existing back-to-back terrace at 176 Almondbury Bank, Almondbury, Huddersfield, Kirklees HD5 8EX in accordance with the terms of the application, Ref 2023/62/93487/W, subject to the conditions in the attached schedule.

Applications for costs

2. An application for costs was made by Mr Jonathan Gould against Kirklees Council. This application is the subject of a separate decision.

Main Issues

3. The main issues are:
 - the effect of the proposed development on the character and appearance of the area;
 - whether the proposed development would provide satisfactory accommodation for its future occupants, with regards to internal space standards; and,
 - the effect of the proposed development on the living conditions of neighbouring occupiers with regards to amenity space provision.

Reasons

Character and appearance

4. The appeal site comprises of a plot of land that is sited between two terraced rows. On the opposite side of Almondbury Bank and further along this road are a variety of semi-detached dwellings which are sited further back from the highway than the terraces. Despite the differing built forms, there is a predominance in the use of stone which together with the varying topography, with buildings being sited at different levels, contributes to the pleasant residential character of the area.
5. The Council has referenced the proposal not forming a sensitive transition to the open land to the rear, but the proposal would be seen as part of the linear development along Almondbury Park, and its relationship with the open land to the rear would be similar to the nearby terraces. The proposed dwelling would be sited close to the existing neighbouring terrace, but offset from it, leaving an accessway to serve the back-to-back neighbouring properties. Given the varying gaps between properties in the area, I do not consider this aspect of the scheme would be visually harmful.
6. The ground floor of the proposed dwelling would be partly recessed in order to provide a parking space to the front. This would be an unusual arrangement, but as the parking is limited to one vehicle which would be partly undercroft, it would not appear unduly dominant or exposed, particularly given the proposed landscaping and the boundary wall to the front of the neighbouring property, No. 176 Almondbury Park which would limit views towards it along the highway.
7. The fenestration of the proposed dwelling would differ from the neighbouring terrace where there is a repetition of fenestration styles over two floors. Horizontally, the proposal would provide a pair of openings similar to the terraces, and despite the window to wall ratio differing, the elevations would still incorporate large areas of stone. These factors, together with the overall scale of the proposal reflecting the scale of the nearby properties and the stepped siting following the changes in topography, this would ensure that the development would not have a contrived appearance.
8. I therefore conclude that the appeal development would not have an unacceptable impact on the character and appearance of the area. As such, it would comply with Policies LP2 and LP24 of the Kirklees Local Plan Strategy and Policies (Local Plan), which seek, amongst other matters, good design where the form, scale and layout and details respects and enhances the character of the townscape and landscape. It would also not conflict with the Housebuilders Design Guide Supplementary Planning Document (SPD) or Paragraph 135 of the National Planning Policy Framework (Framework), which seek, amongst other matters, development that is sympathetic to local character.

Living conditions – future occupiers

9. The Council has raised concerns that the proposal would not meet the gross internal floorspace or storage requirements set out in the Technical housing standards – nationally described space standards (NDSS). The total internal

floor area of the proposed dwelling, based on the measurements provided by the Council would be 94sqm. The NDSS do not set out a standard for a 2 bed 3 person dwelling over 3 storeys, but in any event, the proposal would comply with the internal floor area standard for a 3 bed 4 person dwelling over 3 storeys.

10. Although the double bedroom proposed, as initially submitted, did not meet the 11.5sqm required in the NDSS, the amendments that have been made to the internal layout illustrate the provision of a double bedroom of the required size.
11. The proposed dwelling would provide 1.9sqm of built-in storage against a requirement of 2sqm. As the shortfall is small and given there is sufficient space to accommodate built-in storage elsewhere within the dwelling, such as in the utility or garden rooms, I do not consider that this aspect of the scheme would be harmful.
12. I therefore conclude that the proposed development would provide satisfactory accommodation for its future occupiers with regards to internal space standards. As such, it would comply with Local Plan Policy LP24, the SPD and the Framework, which seek, amongst other matters, high standards of amenity for future occupiers.

Living conditions – existing

13. The Council has raised concerns that the proposal would remove private amenity space for the adjacent back-to-back property. Whilst the appeal site may previously have been used as a garden, it did not appear to be in use as such at the time of my visit. It is separated from the back-to-back property at No. 176 by a pedestrian accessway and does not form part of its curtilage. This neighbouring property has a small external amenity area to the front, similar to other nearby back-to-back properties.
14. As such, I conclude that the proposal would not result in unacceptable harm to the living conditions of neighbouring occupiers with regard to amenity space provision. It would therefore comply with Local Plan Policy LP24, the SPD and the Framework, which seek, amongst other matters, high standards of amenity for existing users.

Conditions

15. I have considered the suggested conditions, having regard to the six tests set out in the Framework. For the sake of clarity and enforceability, I have amended the wording of those suggested as appropriate.
16. I have attached a materials condition in the interests of the character and appearance of the area. A condition requiring the provision of parking area is necessary in the interests of highway safety and to mitigate flood risk, as is a condition requiring details of boundary treatment to ensure the development safeguards the living conditions of existing and future occupiers. A condition is required to secure ecological enhancements, as are a number of conditions relating to contamination in order to protect the health of future occupants of the development.

Conclusion

17. I conclude that the proposal would 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 allowed.

F Rafiq

INSPECTOR

Schedule of Conditions

- 1) The development hereby permitted shall begin not 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: Dwg No: (23229)3_Block Plan, Dwg No: (23229)1_As Existing Rev A and Dwg No: (23229)2_As Proposed Rev C.
- 3) Prior to the commencement of the development above slab/foundation level, details of all materials to be used in the construction of the external surfaces of the development shall be submitted to and approved by the Local Planning Authority in writing. The development shall not be carried out other than in accordance with the approved materials.
- 4) Prior to the development being brought into use, the areas to be used for the parking and manoeuvring of vehicles as indicated on Dwg No. (23229)2_As Proposed Rev C shall be surfaced and drained in accordance with the Communities and Local Government; and Environment Agency's 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13th May 2009 (ISBN 9781409804864) as amended or superseded. These shall thereafter be retained and kept clear of all obstructions to their use for the parking and turning of vehicles.
- 5) The development shall not be brought into use until a scheme of measures relating to the provision of habitat for wildlife and biodiversity enhancement has been submitted to and approved in writing by the Local Planning Authority. The submitted scheme shall set out the existing biodiversity value of the site and propose sufficient biodiversity-led features to provide biodiversity net gain and include the provision of the following measures: - (i) Provision of bat tubes, (ii) provision of bird boxes, (iii) provision of hedgehog holes within boundaries and (iv) planting of native species including trees across the site. The development shall not be brought into use until the approved scheme has been implemented. The approved scheme shall be thereafter retained and maintained for the lifetime of the development.
- 6) Prior to the first occupation of the development hereby permitted, full details shall be submitted to and approved in writing by the Local Planning Authority of all new walls or fences to the boundaries of the site and of any other measures to prevent overlooking of private amenity space and neighbouring land. The details shall include the location, design and height of fences or other boundary treatments, and shall indicate how they relate to finished ground levels within the site and outside it. The approved walls, fences, and any other privacy measures shall be erected, constructed, or incorporated into the design of the dwelling before the dwelling is first occupied and thereafter retained.

- 7) Groundworks shall not commence until actual or potential land contamination at the site has been investigated and a Preliminary Risk Assessment (Phase I Desk Study Report) by a suitably competent person, has been first submitted to and approved in writing by the Local Planning Authority.
- 8) Where further intrusive investigation is recommended in the Preliminary Risk Assessment approved pursuant to condition (7), groundworks (other than those required for a site investigation report) shall not commence until a Phase II Intrusive Site Investigation Report by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority.
- 9) Where site remediation is recommended in the Phase II Intrusive Site Investigation Report approved pursuant to condition (8), further groundworks shall not commence until a Remediation Strategy by a suitably competent person has been submitted to and approved in writing by the Local Planning Authority. The Remediation Strategy shall include a timetable for the implementation and completion of the approved remediation measures.
- 10) Remediation of the site shall be carried out and completed in accordance with the Remediation Strategy approved pursuant to condition (9). In the event that remediation is unable to proceed in accordance with the approved Remediation Strategy or contamination not previously considered [in either the Preliminary Risk Assessment or the Phase II Intrusive Site Investigation Report] is identified or encountered on site, all groundworks in the affected area (except for site investigation works) shall cease immediately and the Local Planning Authority shall be notified in writing within 2 working days. Works shall not recommence until proposed revisions to the Remediation Strategy have been submitted to and approved in writing by the Local Planning Authority. Remediation of the site shall thereafter be carried out in accordance with the approved revised Remediation Strategy.
- 11) Following completion of any measures identified in the approved Remediation Strategy or any approved revised Remediation Strategy, a Verification Report by a suitably competent person shall be submitted to and approved in writing by the Local Planning Authority. No part of the site shall be brought into use until such time as the remediation measures have been completed for the site in accordance with the approved Remediation Strategy or the approved revised Remediation Strategy, and a Verification Report in respect of those remediation measures has been approved in writing by the Local Planning Authority.

End of Conditions