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## Appeal Decision

Site visit made on 18 November 2024

**by H Marriott MPlan MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 December 2024**

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**Appeal Ref: APP/A4710/W/24/3346278**

**Outbuilding Opposite 17 Hubberton Green, Sowerby Bridge HX6 1NR**

- 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 Tom Holroyd against the decision of Calderdale Metropolitan Borough Council.
  - The application Ref is 24/00180/FUL.
  - The development proposed is conversion of outbuilding to dwelling.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are:
  - whether the proposed development would provide adequate living conditions for occupiers of the proposed dwelling with particular regard to privacy and outlook; and
  - whether the proposed development would give rise to highway safety issues and/or inconvenience for road users in the area.

### Reasons

#### *Living conditions*

3. 17 Hubberton Green (No 17) is a dwellinghouse located within a two-storey terrace within a hamlet. It sits at right angles to another terrace, both fronting Thorpes Place, a narrow route which wraps around the appeal site in front of the terraces. The appeal site comprises part of a detached single storey outbuilding constructed from stone with a slate roof. The outbuilding is currently used for domestic storage purposes.
4. External alterations to the outbuilding include bricking up of the existing garage doors and openings that face towards No 17, the insertion of velux windows in the rear roof slope and the demolition of an end section of the outbuilding to form a parking space, patio and main entrance into the building.
5. Internally, the new dwelling would have an open plan kitchen/diner/living room area, a bedroom and a shower room. The number of windows proposed to serve these rooms would likely provide a sufficient level of natural light. However, as the only eye level windows at ground floor level would be obscure glazed, a suitable outlook for the occupiers would not be provided. Even though the proposed velux windows would allow views of the sky, the opaque nature of

the ground floor windows would result in an unacceptably enclosed internal living environment for future occupiers.

6. Furthermore, the supporting text to Policy BT2 of the Calderdale Local Plan 2019/19 – 2032/33 (2023) (CLP) states that securing adequate space around buildings is important to secure a reasonable degree of privacy in dwellings and to ensure that development is not overbearing on the outlook from dwellings. The ground floor windows would be located on the side of the building which immediately abuts land used as a neighbouring garden and parking area. As a consequence, even if the obscure glazed windows were to be clear glazed, there are shed and other outbuildings immediately beside them, or could be placed beside them in the future, which would restrict outlook. Clear glazed windows would also enable close range views into the dwelling by users of the adjacent garden. This would compromise the level of privacy afforded to the occupiers of the proposed dwelling. Taking these factors together, the proposed living areas would not provide a high standard living environment.
7. I conclude that the proposed development would not provide adequate living conditions for occupiers of the proposed dwelling with particular regard to privacy and outlook. In this regard, the proposed development would conflict with policies HS1, BT1 and BT2 of the CLP which require development to create no unacceptable amenity, new homes to be well laid out internally and to provide suitable levels of space appropriate to the type of home and requires development to provide adequate privacy for prospective residents.
8. It is also contrary to the National Planning Policy Framework (the Framework), insofar as it requires a high standard of amenity for future users.

*Highway safety issues and/or inconvenience for road users*

9. Vehicle access to the proposed dwelling would be via Hubberton Green Road, which is a narrow country route with no footway, defined by a stone wall on both sides along most of its length. This route leads onto Thorpe Place which is also a narrow and partly cobbled route primarily used for access to the dwellings. Parking along these roads is unrestricted yet is constrained by their narrowness which effectively restricts parking to areas that do not obstruct access or the free flow of traffic.
10. The appellant suggests that the existing garage space within the outbuilding is not used and this is not disputed by the Council. One parking space is proposed to the side of the dwelling and this would be a sufficient size to accommodate a standard sized car. However, the local highways authority suggests that there is insufficient aisle width within Thorpe Place to enable safe manoeuvring in and out of the parking space.
11. The appellant has provided a series of tracking diagrams. The parking space would be located opposite a shed with an off-street parking space to its frontage. This space is enclosed on one side by a dwarf wall and on the other by the side wall of No 17. In order to avoid manoeuvring onto this land or into these walls, the tracking diagrams provided by the appellant show a series of manoeuvres required to park in the proposed space. Some of these manoeuvres rely on the proposed space being open on two of its sides which is not an issue in itself. However, none of the manoeuvres suggested would be particularly easy or convenient for a driver given the limited space available. In

instances when other vehicles are parked alongside Thorpes Place, such manoeuvring would be further impeded.

12. Furthermore, the manoeuvring of vehicles in and out of the proposed parking space could influence the positioning of parking along Thorpes Way for neighbouring occupiers and visitors that seek to avoid vehicle conflict. Some of the dwellings within the hamlet have dedicated parking spaces, including No 17 on land to its rear. However, many do not. Whilst the appellant has provided a diagram showing areas of off-street parking, a parking survey evidencing parking demand and availability has not been provided. In the absence of any substantive evidence to demonstrate otherwise, the proposed parking and requirements for access thereto could result in manoeuvres and parking practices that would obstruct the free flow of traffic in the local area.
13. That said, given the limited increased demand for parking that would likely result from the proposed dwelling and the existing parking situation along Thorpes Way and Hubberton Green Road, there is no objective evidence to suggest this would equate to an unacceptable impact on highway safety or a severe residual impact on the highway.
14. I conclude that the proposed parking arrangement would result in inconvenience for road users in the local area. As such, it is considered that the proposed development would conflict with policies HS1 and BT4 of the CLP which require the development to create no unacceptable traffic or other problems and to ensure that the design and layout of highways and accesses ensure the free flow of traffic.
15. It is also contrary to the Framework, insofar as it requires the provision of suitable access.

### **Other Matters**

16. The appeal site's location in the Green Belt is not in dispute. Furthermore, the proposed dwelling would incorporate sustainable features including limits to water use, biodiversity enhancement measures and use of green materials and natural heating. The appellant has also suggested that they would be willing to fit windows with higher levels of obscure glazing and/or sound proofing and/or to remove them. However, these factors would not address the harm identified.
17. The application form states that the proposed dwelling would be self-build. However, there is nothing before me to suggest that it would meet any unmet need on the Council's self and custom housebuilding register, and there is no mechanism before me to secure this in any event.
18. The appellant raises concerns about the lack of engagement from the Council and their inability to provide counter arguments through additional information before the decision was made. However, this is not a matter that lies within the scope the appeal.
19. The appellant suggests that the proposed development aligns with the Council's approach which seeks to minimise the creation of new openings with barn conversion developments. Even so, this does not preclude the need to ensure that acceptable living conditions are provided.

## **Conclusion**

20. The proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above the appeal should be dismissed.

*H Marriott*

INSPECTOR