



Appeal Decision

Site visit made on 7 May 2025

by **R Gravett BA(Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 11 JUNE 2025

Appeal Ref: APP/Z4718/D/25/3361234

54 Thick Hollins Drive, Meltham, Holmfirth, Kirklees HD9 4DR

- 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 Robert Franks against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2024/62/93256/W.
 - The development proposed is described as: 'Levelling of existing driveway – installation of driveway pillars and fencing between boundaries.'
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application form states that the development had already been started without permission but not completed. I observed that the levelling of the existing driveway has taken place and that the pillars and fencing are in situ. I have therefore determined the appeal on the basis that the development has already taken place.

Main Issues

3. The main issues are the effect of the development on i) the character and appearance of the area; and ii) the living conditions of the occupiers of 52 Thick Hollins Drive, with regards to outlook.

Reasons

Character and appearance

4. 54 Thick Hollins Drive (No 54) is a semi-detached dwelling which is set back from Thick Hollins Drive at a lower ground level than the road. Its front driveway has been levelled with retaining structures constructed close to the front elevation of the dwelling and along the common boundary with the attached neighbour at 52 Thick Hollins Drive (No 52). The driveway has been finished in tarmac with a block stone edging which are materials commonplace along Thick Hollins Drive, and, in isolation, it does not appear an incongruous or out of character alteration.
5. However, to either side of the driveway a squared pillar has been constructed which is around 1.5m in height and is finished in a grey render. A third pillar has also been constructed which creates an enclosure for the storage of bins at the back edge of the pavement. The finish of the pillars reflects the flank elevation of No 54 which is rendered albeit a buff rather than grey colour. Nevertheless, because of their number, height and siting, the pillars appear a discordant addition

and I observed no similar pillars along Thick Hollins Drive. Further, a horizontal panelled timber fence has been constructed along the edge of the retaining structure (on the common boundary with No 52) which is just below the height of the pillars for most of its length. Despite being seen alongside a streetlight, the pillars and fence are unduly prominent, particularly when travelling from the direction of Hambledon Avenue. They would also partially enclose the frontage of No 54, out of character with other dwellings along Thick Hollins Drive which are typically open in character, with either no front or side boundary treatment or a low wall, fence or hedge. The development therefore conflicts with the guidance at Key Design Principle 1 and 2 of the Council's 'House Extensions and Alterations SPD' (2021) (SPD) that alterations to residential properties should be in keeping with the appearance and local character of the street scene and should not dominate the original house.

6. Therefore, I conclude that the development causes harm to the character and appearance of the area. It conflicts with Policy LP24 (a) and (c) of the Kirklees Local Plan Strategy and Policies (2019) (LP) which together require the form, scale and details of all development to respect and enhance the character of the townscape and be in keeping with the existing buildings.

Living conditions

7. The retaining structure of the levelled driveway is sited on the common boundary with No 54's semi-detached pair at No 52. Closest to No 52, the retaining structure extends to a height broadly aligning with the bottom sill of the only ground floor window on the front elevation. A horizontal close boarded fence has been constructed at the top of this retaining structure which projects most of the length of the boundary, up to the pillar on the corner of the driveway.
8. This fence is, for most of its length, higher than No 52's window and would significantly restrict the outlook from the front room. Although for a short section (closest to the dwelling) the boundary fence has been lowered, this does little to mitigate the harm caused by the remainder of the fence. An outlook across the road remains, but the boundary fence nevertheless creates a sense of enclosure to one side which is to the detriment of the living conditions of the occupiers. The development therefore conflicts with SPD Key Design Principle 4 which requires alterations to reduce conflict between neighbouring properties, including in relation to outlook.
9. I acknowledge that the appellant discussed the development with neighbours and that the current occupier of No 52 has raised no concerns in respect of the height of the pillars and fence, and indeed has written in support of the appeal proposal. However, an absence of concern or objection does not necessarily mean an absence of harm and a high standard of amenity should be achieved for both existing and future occupiers. Further, the benefits the fence affords in respect of protection from the weather, or improved security, do not outweigh the harm to living conditions I have found.
10. Therefore, I conclude that the development causes harm to the living conditions of the occupiers of No 52, with regard to outlook. It conflicts with LP Policy LP24(b) which requires proposals to promote good design by ensuring they provide a high standard of amenity for future and neighbouring occupiers.

Other Matters

11. I am not aware of the exact gradient or width of the driveway before the works were completed, but there is evidently a difference in levels between the front elevation of No 54 and the road. Nevertheless, I observed on my site visit that most dwellings on the same side of Thick Hollins Road have usable driveways, albeit on a gradient, and vehicles were not parked on the road, such that bus or ambulance access, or visibility from other driveways, appeared unduly restricted. On the evidence before me, I am not therefore persuaded that the gradient of the original driveway, or the support for the development from some neighbours, justifies the development now before me.
12. I recognise that the development was in part intended to improve the area for locals increasing house values by making it a sought-after place to live, but it is a well-founded principle that the planning system does not exist to protect private interests such as value of property. Finally, I acknowledge that homeowners are afforded permitted development rights under the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), but whether planning permission is, or should be, required in this case falls outside the scope of this appeal which I have considered on its planning merits.

Conclusion

13. The proposal conflicts with the development plan as a whole and material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

R Gravett

INSPECTOR