



Appeal Decision

Site visit made on 5 August 2025

by **J M Tweddle BSc(Hons) MSc(Dist) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 21 November 2025

Appeal Ref: APP/A4710/W/25/3365425

208 Brow Foot Gate Lane, Halifax, West Yorkshire HX2 7LS

- 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 & Mrs Andrew Wickham against the decision of Calderdale Metropolitan Borough Council.
- The application Ref is 24/01098/FUL.
- The development proposed is alterations and extensions to an existing garage to form a dwelling.

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The site location provided on the application form includes reference to 'Calderdale'. Calderdale is the name of a metropolitan borough council that governs part of the county of West Yorkshire. Therefore, Calderdale is not an English county. I have therefore omitted reference to Calderdale and replaced this with West Yorkshire, as this is a more accurate reflection of the appeal site's geographical location.

Main Issues

3. The main issues in this appeal are:
 - i. The effect of the development on the character and appearance of the surrounding area;
 - ii. The effect of the development on highway safety, with particular regard to the proposed access arrangements; and,
 - iii. Whether the development is required to provide a biodiversity net gain and, if so, whether this would be secured.

Reasons

Character and appearance

4. The appeal site forms part of the rear garden of 208 Brow Foot Gate Lane, a semi-detached two-storey dwelling. Properties along this section of Brow Foot Gate are defined by generous rear gardens with mature planting, creating a verdant backdrop to the built environment. Development within these gardens is limited to modest garages and sheds, all of which are subservient in scale to the host property.

5. The proposal would introduce a new dwelling into this rear garden area via the conversion and substantial enlargement of an existing garage building. In doing so, the dwelling would be an obvious departure from the orderly and planned layout of the surrounding area, introducing an inappropriate form of backland development. This would diminish the positive contribution that the site currently makes to its verdant surroundings.
6. The proposal would introduce a new dwelling into this garden area through substantial extensions to the existing garage. This represents an intrusive form of backland development that disrupts the planned and orderly layout of the area. The proposed building, rising to nearly 10 metres and spanning three floors, would be visually dominant and wholly at odds with the established pattern of surrounding development. Its excessive scale and massing would erode the site's positive contribution to local character and appear incongruous within its setting. This effect would be accentuated by the gradient of the site and the elevated position of the development.
7. Despite the appellant's assertions, the development would not continue the linear form of development set by the short row of semi-detached properties to the northwest. Instead, the development would stand apart from these existing properties, introducing a discordant element that is at odds with the surrounding pattern of development.
8. For these reasons, the development would be harmful to the character and appearance of the surrounding area. It would conflict with Policy BT1 of the Calderdale Local Plan, adopted March 2023, (the Local Plan) and the associated provisions of the National Planning Policy Framework (the Framework), which together require high-quality design that respects local character and distinctiveness.

Highway safety

9. Access to the appeal site is via Willowfield View, a narrow, single lane, unbound private track, which joins the public highway at its junction with Willow Rise.
10. The appellant's Highways Technical Note¹ states that the existing track width along Willowfield View is 4.1 metres and therefore exceeds the minimum carriageway width advised by Manual for Streets² (MfS) to enable access for emergency service vehicles. Furthermore, the appellant claims that this is a sufficient width to allow two typical family saloon cars to pass each other at very low speeds, and for a larger vehicle to safely pass a cyclist.
11. Nevertheless, beyond this commentary there is a lack of evidence before me to demonstrate the actual width and standard of the access track along Willowfield View. Indeed, the Local Highway Authority advise that the track has regular pinch points where the width reduces to less than 3.7 metres. Furthermore, I note that MfS states that carriageway widths should be appropriate for the particular context and use of the street, with key factors to take into account including: the volume of vehicular traffic and pedestrian activity, the traffic composition, design speeds, and whether parking is to take place.

¹ 208 Brow Foot Gate Lane Halifax, Technical Note, by Paragon Highways, dated January 2025

² Manual for Streets, Department for Transport, Published 2007

12. In these regards, my observations are consistent with the advice provided by the Local Highway Authority, that the narrow width of the track along Willowfield View is likely to make it difficult for vehicles to pass. In addition, pedestrians have to share the carriageway with vehicles, in the absence of any dedicated footway and with limited streetlighting. Thus, giving rise to potential conflict between simultaneous vehicles and pedestrian users.
13. Of particular concern is the junction with Willow Rise, where the visibility splay is constrained by mature hedging on private land which flanks the junction. This means that vehicles exiting Willowfield View have to edge forward over the line of the pavement to gain a clear view of oncoming vehicles, pedestrians or other vulnerable road users. Furthermore, the narrow width of the track creates the potential for dangerous reversing manoeuvres when vehicles attempt to enter and exit Willowfield View at the same time. This would result in vehicles reversing onto Willow Rise with restricted visibility and thereby increasing the risk of vehicular collisions.
14. This issue is compounded by the fact that cars and other vehicles can park along the length of Willowfield View without control, further restricting movement along the access track and giving rise to the potential for vehicle conflict.
15. I appreciate the development is small scale and would therefore result in a limited number of additional vehicle movements. I am also mindful that the track already serves existing residential properties along Willowfield View and is currently lightly trafficked. Nevertheless, for the reasons I have set out, the existing access along Willowfield View is substandard, therefore any additional use would exacerbate existing risks to highway safety. The absence of recorded accidents does not justify a greater risk to highway safety.
16. For all these reasons, I find that the development would result in the undesirable intensification of a substandard access. Therefore, the development would have an unacceptable effect on highway safety, with particular regard to the proposed access arrangements. This is contrary to Policies BT4 and HS1 of the Local Plan and the associated provisions of the Framework which together require safe and convenient access for all highway users.
17. The LPA also cite conflict with Policy IM2 of the Local Plan. However, this policy relates to transport investment decisions. As the proposal does not directly relate to a transport initiative, Policy IM2 is not relevant in this case.

Biodiversity Net Gain

18. The statutory framework³ requires developments to deliver at least a 10% biodiversity net gain unless exempt. The appellant asserts exemption on the basis of the development being for self-build or custom housing; however, the application also refers to market housing. No explanation has been provided for this contradiction. Furthermore, there is no mechanism before me that would secure the dwelling as self-build or custom housing. Therefore, in the absence of certainty, the exemption cannot apply.
19. Furthermore, no biodiversity metric or pre-development habitat assessment has been provided, and this cannot be secured by condition. Given the lack of

³ Schedule 7A of the Town and Country Planning Act 1990 (as amended)

information, it is unclear how the BNG requirements would be achieved and secured.

20. Consequently, I find that the development would be required to provide a biodiversity net gain, and this would not be secured. Therefore, the development would not satisfy the statutory BNG requirements. It would also conflict with Policy GN3 of the Local Plan and the associated provisions of the NPPF which together seek to deliver biodiversity enhancements and overall net gains.

Other Matters

21. The proposal would add to the local housing supply, bringing both economic and social benefits. Some limited environmental benefits would also accrue through the implementation of low carbon technologies and high levels of insulation within the proposed dwelling. A suitable palette of materials could be conditioned to achieve an appropriate external finish. Nonetheless, these matters do not outweigh the harms that I have identified.

Conclusion

22. The development would be harmful to the character and appearance of the surrounding area, it poses an unacceptable risk to highway safety, and it fails to secure the required biodiversity net gain. In these regards, the proposal is contrary to the above cited policies of the development plan, and no material considerations of sufficient weight have been advanced to justify a decision other than in accordance with the development plan.
23. Therefore, I conclude that the appeal should be dismissed.

J M Tweddle

INSPECTOR