

TOWN & COUNTRY PLANNING ACT 1990

APPEAL BY MR & MRS G & S HOUGH

**RE-USE AND ADAPTATION OF EXISTING GARAGE BUILDING
TO FORM DWELLING WITH ASSOCIATED ACCESS,
PARKING AND CURTILAGE AREAS**

**ADJACENT TO No.10 CHERRY TREE WALK,
SCHOLES,
HOLMFIRTH,
WEST YORKSHIRE,
HD9 1XG**

LPA Ref: 2016/62/92406/W

STATEMENT OF CASE ON BEHALF OF THE APPELLANTS

FEBRUARY 2017

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1.0 INTRODUCTION

1.1 This appeal is made by Mr & Mrs G & S Hough of 10 Cherry Tree Walk, Scholes near Holmfirth under Section 78 of the Town & Country Planning Act 1990. The appeal is against the decision of Kirklees Council to refuse planning permission for development of a new single dwelling house through extension and alteration of an existing and detached double garage building with associated access, parking and curtilage areas.

1.2 The planning application was registered by the Local Planning Authority (LPA) on 22 July 2016 and the decision to refuse planning permission made by Officers of the Council under the Council's Approved Scheme of Delegation on 10 October 2016. The reason for refusal is given as follows:-

The proposed dwelling by reason of a combination of its large scale and massing, siting within very close proximity to the edge of the highway and design with blank gable facing onto Cherry Tree Walk would result in an incongruous form of development in a prominent location that fails to complement or enhance the established character of the area. The development is therefore contrary to Policies BE1, BE2 and D2 (criterion vi and vii) of the Kirklees Unitary Development and Chapter 7 of the National Planning Policy Framework (2012) with particular reference to paragraph 64.

1.3 Notwithstanding the refusal of planning permission, the scheme was supported by Holme Valley Parish Council and no objection to the application was raised by either the local Highways or Pollution & Noise Control Departments.

1.4 A description of the site and surroundings and of the proposed development is included within the Planning & Design Statement dated July 2016 and a review of relevant planning policies and guidance is also included within this Statement. This document already forms part of this Appeal submission.

2.0 LPA's ASSESSMENT and MATTERS OF COMMON GROUND

2.1 The LPA resolved to refuse planning permission on the basis of the proposed dwellings: large scale and massing; siting in close proximity to the edge of the highway; and its blank gable facing onto Cherry Tree Walk.

- 2.2 The LPA based its decision on a combination of these factors that led it to resolve that the proposed development would constitute ***“an incongruous form of development in a prominent location that fails to complement or enhance the established character of the area”*** (and consequently and implicitly harm to the character and appearance of the area).
- 2.3 From within the officer’s report, it is clear that there are many positive factors in support of the proposed development as listed below: -
- a) The site is already developed and accommodates a detached garage (with accommodation in the roof space);
 - b) The site is situated within a predominantly residential area with dwellings of various designs and styles;
 - c) The site is within an established residential area with good access to services where such development is generally supported in line with local Policy D2;
 - d) Development of the site is considered acceptable in principle and would contribute to sustainable development, albeit in a small scale;
 - e) The LPA does not have a five year housing land supply and this shortfall falls in favour of the development proposed;
 - f) The application proposes a two-storey stone built dwelling of traditional design with balanced architectural detailing and balanced appearance to its front and rear;
 - g) “When considered in isolation” the design of the property is acceptable;
 - h) The proposed dwelling would not result in any overbearing or overshadowing impact relative to the host property and subject to minor alteration of that property, the separation distance between it and the proposed dwelling is acceptable;

- i) There would be no direct overlooking of the property to the rear (6 Cherry Tree Walk), due to its orientation relative to the proposed dwelling, therefore, no harmful impact on the living conditions of the occupants of that property;
- j) At a distance of approximately 17.0 metres In relation to the property opposite (1 Cherry Tree Walk) the proposed dwelling would not result in any adverse impact upon the amenities of occupants of that property;
- k) Due to the orientation of the proposed dwelling relative to the property to the north (2 Mount Scar View), it would not result in any adverse impact upon the amenities enjoyed by the occupants of that property;
- l) Although limited provision of amenity space is proposed in association within the proposed dwelling, on balance, this is considered acceptable;
- m) There is no objection to the proposed access; provision of parking is in-line with locally adopted standards; and the development would not “significantly impede” the safety and efficiency of the adjoining highway network.

3.0 POLICY APPRAISAL

- 3.1 The policies and guidance referred to in the LPA’s reason for refusal is given further and more detailed consideration in this section of the Appellants Statement.
- 3.2 The policies and guidance referred to is as follows:-

National Planning Policy Framework (NPPF)

- Chapter 7 entitled ‘Requiring Good Design’
- Paragraph 64 of Chapter 7

Kirklees Unitary Development Plan

- Policy BE1 - ‘Design Principles’
- Policy BE2 - ‘Quality of Design’

- Policy D2 - 'Unallocated Land'

National Planning Policy Framework

- 3.3 **Chapter 7** of the NPPF emphasises that the Government attaches great importance to the built environment and that good design is a key aspect of sustainable development. It also states that it is important to plan positively for the achievement of high quality and inclusive design for all development including individual buildings.” It states that “Local neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area. Such policies should be based on stated objectives for the future of the area and an understanding and evaluation of its defining characteristics. (Appellants emphasis)
- 3.4 **Paragraph 58** states that planning decisions should aim to ensure that developments: -
- *Function well and add to the overall quality of the area.....*
 - *Establish a strong sense of place...*
 - *Optimise the potential of a site to accommodate development...*
 - *Respond to local character and history and reflect the identity of local surroundings and materials.....*
 - *Are visually attractive as a result of good architecture and appropriate landscaping.*
- 3.5 **Paragraph 60** is important, stating that “*planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles*.
It also states that it is “proper to seek to promote or reinforce local distinctiveness”.
- 3.6 **Paragraph 64** referred to in the LPA’s reason for refusal and states that “*permission should be refused for development of poor design that fails to take opportunities available to improve the character and quality of an area and the*

way it functions”. **Paragraph 65**, however, goes on to state that Local Authorities “should not refuse planning permission for buildings or infrastructure which promote high levels of sustainability because of concerns about incompatibility with an existing townscape, if those concerns have been mitigated by good design”.

Kirklees Unitary Development Plan

- 3.7 **Policy BE1 - Design Principles** requires “all new development to be of good quality design such that it positively contributes to the built environment which creates/retains a sense of local identity; is visually attractive; promotes safety, including crime prevention and reduces hazards to highway users; promotes a healthy environment, including space and landscaping about buildings and avoids exposure to excessive noise or pollution; is energy efficient in terms of building design and orientation and is conducive to energy efficient modes of travel. A copy of this Policy and its justification are attached in **Appendix SH1**.
- 3.8 **Policy BE2** relating to **Quality of Design** requires new development to be: in keeping with any surrounding development in respect of its design, materials, scale, density, layout, building height and massing. To be designed so that the topography of the site (particularly changes in level) are taken into account; satisfactory access to existing highways can be achieved; and existing and proposed landscaping features (including trees) can be incorporated as an integral part of the proposal. A copy of this policy and its justification is also attached at **Appendix SH1**
- 3.9 **Policy D2** relating to **Unallocated Land** states that permission for development of land and/or buildings without notation on the proposals map and not subject to specific policies in the plan, should be granted, provided these proposals do not prejudice a specific set of considerations,. These considerations include: intensity of development; highway safety; residential amenity; visual amenity; the character of the surroundings; amongst others. Factors of access and car parking are to be taken into account, as are retention of adequate outdoor

*amenity space and site features, which contribute to the character of the area, A copy of this policy and its justification is also attached in **Appendix SH1**.*

4.0 RELEVANT PLANNING ISSUES

- 4.1 The relevant and determining issue in respect of this appeal, is the impact that the proposed dwelling would be likely to have on the established character and appearance of the area and ultimately whether by reason of its scale, massing, siting or design, or a combination of these factors, it is harmful to the character and appearance of the area.
- 4.2 It is important, therefore, in the determination of this appeal, to consider the “established character and appearance of the area” and to determine what this comprises and what impact that the proposed development is likely to have relative to this character and appearance.

Character and Appearance of the Area

- 4.3 Scholes village has developed organically over a period of time like most rural villages. There remains a more traditional historic core, to which more ‘planned’ modern expansions of development have occurred. Within the village there are a series of interfaces between older traditional, less regular, patterns and/or layouts of development and more modern regularly laid out development.
- 4.4 These interfaces are also expressed in the relative character and design of the built form, where there are obvious transitions between more traditional vernacular buildings and development of buildings of a more modern character, design and appearance.
- 4.5 The appeal site is situated at one of these interfaces between more traditional development, evident to the east side of Cherry Tree Walk and to the south of the appeal site and more modern development, to the west and north of Cherry Tree Walk, in the form of what is referred to locally as the ‘Ryefield’ Estate.

- 4.6 The Council has expressed a view in its reason for refusal that the proposed dwelling would result in an incongruous form of development in a prominent location that as a consequence of its *“large scale, massing, siting and design”* would harm the *“established character of the area”*.
- 4.7 The distinctive character referred to above of more traditional vernacular development, including No 10 Cherry Tree Walk itself and the more modern residential estate development to the west and north of the site is illustrated in the series of photographs provided at Appendix SH2. The relative pattern of development within the more traditional and more modern elements of the village, is evident within these photographs.
- 4.8 The character of the area is clearly made up of more traditional, less regularly laid out development of a vernacular style with many properties situated in relatively close proximity to the highway. In contrast there is an area of more modern, regularly laid-out development, set back from street frontages, behind deep front garden areas. The Appeal site lies exactly at a point of transition between these differing characters of development designed and intended to be related to the more traditional pattern and character of the villages’ development.

5.0 Assessment

Scale & Massing

- 5.1 Scale and massing are a product of the proposed buildings plan dimensions and height to eaves and ridge. The proposed dwelling does not constitute a wholly new building on the site but would result from an extension and alteration of an existing stone built garage that is already present within the street scene. This garage building is an established part of the local scene and is an accepted part of it.
- 5.2 The proposed dwelling would be developed through extension of the existing building by 2.0 metres in an easterly direction to provide a plan form measuring

- 8.6 metres in length by 6.0 metres in width. The eaves height of the building would be lifted by approximately 3.0 metres to a resultant 5.0 metres in height and its ridge raised by a similar amount to only 7.1 metres in height. Being of these limited dimensions, the proposed dwelling would in any circumstances be considered modest in terms of its scale and massing.
- 5.3 It is acknowledged that the proposed dwelling would be larger in scale and greater in massing than the existing garage building. This, in itself, does not mean that it would be harmful to the character and appearance of the area. Whether the proposed development is acceptable or not, has to be based on the scale and massing of the proposed dwelling relative to the scale and massing of existing built form in the immediate vicinity. It is the scale and massing of the existing built form in the vicinity that defines the character and appearance of the area.
- 5.4 Faced in natural stone, under a gabled roof construction and covered with smooth slate grey tiles, the proposed dwelling would have a local vernacular appearance and exhibit traditional detailing and use of materials. In the context of much more substantial buildings within the immediate vicinity (including No.10 Cherry Tree Walk itself) and other properties to the south, the proposed dwelling would not appear unduly large; out of scale; or excessive in terms of its height or massing.
- 5.5 The proposed dwelling would, in fact, be of a significantly lesser scale and massing than adjacent traditional development and in addition would appear appreciably lower in height than the more modern residential properties sited immediately opposite, across Cherry Tree Walk. These, although in some cases of single storey construction, are elevated in terms of their siting and as a consequence, would appear notably more substantial in the street scene and of greater height relative to the proposed dwelling.
- 5.6 In terms of the scale and massing of the proposed dwelling, it is the contention of the Appellants that it is of modest scale in absolute terms and of an equally modest massing within the context of the immediate area. As such, rather than

appearing “prominent” and “incongruous” for these reasons, it would appear appropriate in its scale and massing and *in-keeping* with the character and appearance of the area and in no way harmful to it.

Siting

- 5.7 The LPA’s reason for refusal states that the proposed dwelling is unacceptable in its siting “*within very close proximity to the edge of the highway*” i.e. two metres back from the edge of the adopted footway and some four metres back from the edge of the carriageway.
- 5.8 Its siting is immediately reflective of the existing garage building at present, with its unenclosed and relatively open frontage and gaping yet functional entrance door. In the context of the proposed development, it is intended to return the existing stone boundary wall across the frontage of the proposed dwelling to enclose a small garden area.
- 5.9 Whilst it is acknowledged that the proposed dwelling would be sited in close proximity to the back of footpath and subsequently the carriageway, this is not an uncommon occurrence for dwellings and other built form within the more traditionally laid out parts of the village. Examples of other development in such proximity to the public highway are provided in the series of photographs provided at Appendix SH3.
- 5.10 It is the Appellants view that the siting of such dwellings and other development in such proximity to the highway is a notable feature and contributing factor to the distinctive character and identity of the older portion of the village, which the appeal proposal has been designed to reflect.
- 5.11 In addition, by reason of its siting, the proposed dwelling, would create a distinctive ‘gateway’ or ‘transitional point’, between the traditional development of the village and more modern layout/pattern and character of development. It is acknowledged that the proposed dwelling would be prominent in terms of its

siting but it would be sited in a manner reflective of other traditional dwellings and built form evident within the immediate area.

- 5.12 Rather than appearing as an “incongruous” and “unduly prominent” form of development, in its reflection of traditional building patterns and design, it would more generate a positive and distinctive ‘gateway’/ ‘transitional’ feature between the distinctive patterns and forms and patterns of development present in this part of the village.

Design

- 5.13 The LPA’s reason for refusal also states that the proposed dwelling is unacceptable in its design based solely on its “*blank gable facing onto Cherry Tree Walk*”. As illustrated within the photographs provided at Appendix SH3, there are several examples of blank gables facing onto public highways in the immediate vicinity of the site that are an accepted and established parts of the character and street scenes of the village. It is argued by the Appellants that these forms of develop positively add to the particular character and identity of the village. By reflecting those instances where this occurs, this would positively add to its character and in no way harm it.
- 5.14 The proposed site layout and design would provide enclosure of a modest frontage garden space between the back of the adjacent footway and end gable elevation of the proposed dwelling. A new stone wall, matching existing boundary walling is proposed along this street frontage to enclose a modest garden area. This small garden area is intended to accommodate modest, yet effective planting that would serve to soften the impact and appearance of the proposed dwelling within the street scene in an agreeable and characterful manner.
- 5.15 The end gable elevation is, in any case not blank. It has been designed to include a balanced and symmetrical projecting chimney breast, intended to add feature and character to the elevation in a traditional manner.

- 5.16 It is, therefore, the Appellants contention in respect of matters of siting and design, that once again, far from appearing *incongruous* and *unduly prominent*, the proposed dwelling would be sited in manner reflective of other traditional development in the vicinity and would add to the character and distinctiveness of the area in a positive and acceptably designed manner.

6.0 **Summary and Conclusions**

- 6.1 The proposed dwelling, generated from extension and alteration of an existing detached garage building, would in every sense be of a modest scale, and massing relative to the existing built form in the immediate vicinity of the appeal site. It would be of a very modest footprint and of modest dimensions in terms of its height to eaves and ridge.
- 6.2 Relative to the adjacent property, the proposed dwelling would be of a clearly subservient and appropriate scale and massing. Relative to the more modern properties opposite, it would also appear of a modest and subservient scale and massing. It would not appear out of scale or of excessive massing and as such, for these reasons, would not harm the character and appearance of the area.
- 6.3 With respect of its siting in close proximity to the highway, the dwelling would not appear out of character or unduly prominent for this reason either. On the contrary, due to its siting it would reflect several instances of similarly sited development elsewhere within the vicinity that exhibits similar character and adds positively to the distinctive character and appearance of the area.
- 6.4 Regarding its design, the proposed dwelling is generally accepted by the LPA as being of an agreeable vernacular character with only the exception of its alleged “blank gable facing the highway”. The roadside gable of the proposed dwelling is not in fact “blank” and incorporates a suitably designed projecting feature chimney breast. The gable proposed and its relationship to the highway is similar to others development in several locations in the village that add to the character and appearance of the street scene.

- 6.5 Even taking into account any combination of the proposed scale and massing of the proposed development and its siting and design, no accumulation of impacts would result that is likely to harm to the character and appearance of the area, A simple modest building is proposed, of an agreeable scale and massing, and of an acceptable siting and design.
- 6.6 Given the presumption in favour of sustainable development and the lack of any demonstrable harm to any interests of acknowledged importance, the Inspector is respectfully requested to allow this Appeal and grant planning permission to enable this reasonable development proposal to proceed.

- END -