The Planning Inspectorate

Appeal Decision

Site visit made on 8 April 2019

by William Cooper BA (Hons) MA CMLI

an Inspector appointed by the Secretary of State

Decision date: 24th May 2019

Appeal Ref: APP/Z4718/W/18/3213384
46 The Fairway, Fixby, Huddersfield HD2 2HU

- 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 Mohammed Anwar against the decision of Kirklees Metropolitan Borough Council.
- The application Ref: 2017/62/91286/W, dated 11 April 2017, was refused by notice dated 21 May 2018.
- The development proposed is proposed change of use of land to domestic garden with formation of driveway.

Decision

1. The appeal is dismissed.

Procedural Matter

2. The new Kirklees Local Plan (2019) (LP) has been adopted since the Council issued its decision. This supersedes the Kirklees Unitary Development Plan. Accordingly, in my assessment of the proposal, I have regard to the relevant policy in the LP.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the area.

Reasons

4. The appeal site is a piece of land situated adjacent to residential properties and an electricity substation. Trees on the site are covered by Tree Preservation Order (TPO) No.8/1977. The proposal would increase the garden area and provide an additional driveway with parking space for No.46.

5. The trees on the site form the end part of an established linear woodland belt. The belt of trees is an important visual feature in the neighbourhood, which provides visual and spatial relief from built-up elements. The trees on the appeal site are visible from the pavement on Jilley Royd Lane, which it abuts, and from the junction with The Fairway. As such, the site has a particularly prominent role in the green corridor.

6. The incorporation of the appeal site into domestic garden, with a driveway with parking space, would add domestic paraphernalia, including cars, and activity to the site. This would erode the verdant character of this prominent end part

of the green corridor. Moreover, the proposed driveway would cause pressure for future thinning and removal of the trees due to potential leaf and branch fall onto cars below.

7. In combination, the factors described above would impair the character and appearance of the green corridor, which contributes to the distinctive character of the area. Moreover, likely future pressure on the trees, with attendant longer term risks to their vitality and retention, would exacerbate the proposed development's harm to this important green feature.

8. The appellant's argument that the proposal would 'regularise the status' of an 'isolated plot' in line with the other properties in and around woodland W1 of TPO No.8/1977 is noted. It is recognised that some of the woodland protected by the TPO is incorporated into gardens of other properties in the area. However, the appeal site is distinctive in that it is at the end of a green corridor of trees, facing onto Jilley Royd Lane, and, accordingly, has its own prominence. As such, I must assess the proposal on its own merits.

9. In conclusion, the proposal would harm the character and appearance of the area. As such, it would conflict with Policy PLP24 of the LP. This policy seeks to ensure that development respects and enhances local character and contributes towards enhancement of the natural environment.

Conclusion

10. For the reasons given above I conclude that the appeal should be dismissed.

William Cooper

INSPECTOR