



Appeal Decision

Site visit made on 28 August 2018

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2018

Appeal Ref: APP/Z4718/W/18/3202483

Adj 31 Quarry Court, Longwood, Huddersfield HD3 4UQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Jeremy Child against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/60/93147/W, dated 11 September 2017, was refused by notice dated 18 April 2018.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is submitted in outline with all matters reserved except for access and I have dealt with the appeal on this basis treating the site plan as indicative.
3. Since the submission of the appeal a revised National Planning Policy Framework (the Framework) was published in July 2018. The main parties have been consulted on the implications of the new Framework for the current appeal and their responses have been taken into account in my reasoning below.

Main Issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is a steeply sloping plot of land situated adjacent to No 31 Quarry Court. Quarry Court is a residential cul-de-sac with two to three-storey stone properties on either side of the street. The rear of No 31 and the adjoining properties look out onto the exposed rock face which is the limit of former quarry workings. Three properties are situated further along the south side of Quarry Court behind a private, gated driveway. Properties face the road set behind small, open landscaped gardens and driveways. The gaps between the properties and groups of dwellings enable views to the gardens and the dramatic setting of the quarry face to the rear. These factors contribute to the open, spacious and verdant character of the area.
6. The site is not allocated in the Council's Unitary Development Plan. However, it is proposed as a larger Urban Green Space (UGS) designation known as Longwood Edge within the Publication Draft Local Plan (PDL) (allocation UGS1217). Draft Policy PLP 61 states that development will not be permitted within urban green space except where the proposed development demonstrates an assessment showing the open space is clearly no longer required to meet local needs for open

space, sport or recreational amenity. No such assessment is before me and no replacement provision is proposed. Public hearings for the PDLP have been held and the Council is currently consulting on a set of Proposed Modifications. Whilst there are proposed changes to the wording; the thrust of the Policy remains the same. Furthermore, there have been no objections raised in respect of this specific designation and it is not proposed to alter the designation in the Proposed Modifications.

7. Moreover, the Policy is consistent with paragraph 97 of the Framework which states that existing open space, sports and recreational buildings and land, including playing fields should not be built on unless an assessment has been undertaken which clearly shows the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. As the PDLP is not yet adopted full weight cannot be afforded to the Policy; however, due to the advanced stage of Plan preparation and the consistency with the Framework, I consider that significant weight can be attached to it in my Decision.
8. The reason for designating the wider land as UGS is due to its wildlife value, informal recreation use and its significant visual amenity benefits as a prominent escarpment. The appeal site has naturalised over time and contains a number of shrubs, trees and grass, including non-native species. Limited evidence is before me regarding the ecological value of the appeal site. However, the site forms part of infilled embankment which rises steeply from the pavement to the top of the rock face which curves to an outcrop. It makes a significant visual contribution to the open hillside and prominent escarpment and forms an integral part of the wider UGS designation. Notwithstanding the contribution which the site makes to the designation, I consider that it, together with the adjacent land, makes a significant contribution to the open and spacious character of the area.
9. The indicative plans show one dwelling situated slightly further behind number 31 Quarry Court (No 31) with an access taken from just west of the existing gated access with a driveway with space for two cars. The proposal would require the excavation and removal of infill material from the site. No cross sections or levels of the site have been provided. However, due to the combination of the steep nature of the site and its elevated position compared to No 31, it appears to me that significant re-grading of the site and the re-exposure of the quarry face would be required to accommodate even a two storey dwelling with a similar height to the adjacent properties. Whilst limited details are before me regarding the design of the proposal, the dwelling would undoubtedly occupy a prominent position and it would be highly visible when viewed across the valley.
10. Furthermore, the dwelling would appear enclosed between the rock face to the rear and the rock outcrop to the east resulting in it appearing cramped and excessive in its plot and it would also result in the loss of green space. Taking these factors in combination, I consider that the proposal would represent an incongruous addition at odds with the open, spacious and verdant character of the area.
11. Attention is drawn to a previous appeal¹ for a three storey dwelling which was dismissed. The appellant considers that the previous Inspector concluded that the site could accommodate a two storey dwelling of a similar height to No 31. However, whilst the Inspector commented on the height of the dwelling she also

¹ Appeal reference: APP/Z4718/A/00/1049577

goes onto state that the proposal would be prominent, cramped and uncharacteristic of other development in the locality, both existing and approved.

12. Attention is also drawn to three dwellings which were allowed on appeal². However, I note that these dwellings are situated lower down the hillside and, therefore, appear less prominent and more compatible with the original development. This case is not, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to it in my Decision.
13. For the reasons stated, I conclude that the proposal would harm the character and appearance of the area. It would, therefore, be contrary to criteria vi and vii of saved Policy D2 of the Kirklees Unitary Development Plan (UDP) which states that planning permission will be granted provided that proposals do not prejudice visual amenity or the character of the surroundings. Conflict also arises with criteria i and ii of saved Policy BE1 of the UDP which seeks to ensure that development is of a good quality design which is visually attractive and creates or retains a sense of local identity. Furthermore, there would also be conflict with criterion iv of saved Policy BE2 the UDP which seeks to ensure that existing and proposed landscape features (including trees) are incorporated as an integral part of the proposal.
14. Conflict also arises with draft Policy PLP 61 of the PDLP which states that proposals will not be permitted within Urban Green Space identified on the proposals map unless the proposed development meets a number of exceptions.
15. I have had regard to the indicative plan of the proposal in reaching this conclusion. Moreover, it appears to me that it would not be possible to develop the site for one dwelling in any other way without causing similar harmful effects on the character and appearance of the area.

Other matters

16. Although limited evidence is before me in relation to housing land supply, the Council acknowledge that they cannot demonstrate a five year supply of housing land. Paragraph 59 of the Framework seeks to significantly boost the supply of homes. However, Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 goes onto say that developments should be visually attractive and sympathetic to the local character and history.
17. The proposal would make a contribution, albeit limited, to housing supply; however, the harm which I have identified to the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

18. For the reasons stated and taking all other considerations into account, the appeal should be dismissed.

Caroline Mulloy

Inspector

² Appeal reference T/APP/Z4718/A/99/10194571/P2