The Planning Inspectorate

Appeal Decision

Site visit made on 13 August 2019

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2019

Appeal Ref: APP/Z4718/W/19/3223317
1, Rear of Yew Tree Road, Shepley, Huddersfield HD8 8DT

- 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 Mrs Louise Denning against the decision of Kirklees Metropolitan Borough Council.
- The application Ref 2018/60/93850/E, dated 20 November 2018, was refused by notice dated 17 January 2019.
- The development proposed is a detached dwelling.

Decision

1. The appeal is dismissed.

Procedural Matters

2. The application was submitted in outline with approval of access and layout being sought, and appearance, landscaping and scale reserved for future consideration. I have dealt with the appeal and considered the submitted plans on this basis.

3. The Council's decision notice refers to Policies D2, BE1, BE2 and BE12 of the Kirklees Unitary Development Plan (the UDP). The Kirklees Local Plan (the Local Plan) was adopted on 27 February 2019 and replaces the UDP which has now been superseded. The Council have provided the relevant up to date Policies with their Statement of Case, and I am satisfied that there has been an adequate opportunity for those interested in the appeal to address the updated policy position.

Main Issues

4. The main issues are the effect of the development on the character and appearance of the area, and the living conditions of adjacent occupiers with particular regard to outlook and privacy.

Reasons

Character and Appearance

5. The appeal site is located in Shepley, a village characterised by undulating topography, and traditional period sandstone terraced dwellings. The prevailing pattern of development is partly characterised by rows of terraces that line the street. The appeal site is located in between two separate terraces of 1 to 21 Yew Tree Road and 33 to 51 Yew Tree Road. These are both traditional sandstone terraces, each dwelling having a garden plot which

they overlook, separated by a shared access track, this layout is typical of these period properties and contributes to the distinctive character and appearance of the area. Due to the topography of the area, the appeal site is at a prominent elevated position, above 33 Yew Tree Road.

6. Whilst the proposal is outline, the appellant seeks approval of the access and layout, and has submitted a layout plan which shows how the dwelling would be positioned within the site, and its relationship with surrounding properties. The siting of the dwelling behind Nos 1- 21 would not respect the prevailing pattern of existing buildings surrounding the site. Furthermore, a detached dwelling would not be in keeping with the terraced style of dwellings which surround the site and given its elevated position it would appear as an incongruous feature within its surroundings.

7. The proposed dwelling would be to the side of number 31 Yew Tree Road, which forms part of another terrace. However, irrespective of the site being adjacent to another dwelling it still falls behind the building lines identified above and would not respect the character and appearance of the area for that reason.

8. Consequently, the proposed dwelling would result in an incongruous feature, that would harm the character and appearance of the area. As such it would fail to enhance its immediate setting and would not accord, in that regard, with Policy LP24 of the Local Plan and paragraph 127 of the Framework, which collectively seek to ensure that new development the form, scale, layout and details of all development respects and enhances the character of the townscape.

Living Conditions

9. The proposed dwelling would be positioned behind 1 Yew Tree Road, which currently overlooks the appeal site and benefits from an open aspect across existing gardens. The positioning of the proposed dwelling would result in the loss of this outlook, and the scale of the detached dwelling shown on the layout plan would be likely to appear dominant and overbearing when viewed by the occupiers of 1 Yew Tree Road.

10. Due to the close proximity identified above, there would also be likely to be a significant amount of overlooking and loss of privacy caused to the occupiers of 1 Yew Tree Road. The layout plan shows the front elevation positioned to face towards the access, in an attempt to off-set, and angle any overlooking. However, due to the close proximity, this would not prevent the significant overlooking that would be likely to result.

11. 33 Yew Tree Road is positioned at a lower level beneath the appeal site and has a rear garden that would be positioned behind the rear elevation of the proposed dwelling. The submitted plans show that the proposed rear garden would be relatively short in length and would not provide sufficient distance between the habitable room windows on the rear of the proposed dwelling and the private garden space of No 33. Consequently, it appears likely that the proposed development would result in substantial overlooking and loss of privacy to the occupiers of No 33.

12. Whilst the proposed development is in outline, from the evidence provided I am not satisfied that these issues would be satisfactorily addressed at the reserved

matters stage, such that the proposed development would result in harm to the living conditions of neighbouring occupiers.

13. Consequently, the proposed dwelling would be likely to appear overbearing and cause loss of privacy to existing and future occupiers of 1 Yew Tree Road and would overlook the private garden of 33 Yew Tree Road. On this basis the proposed development would not accord, in that regard, with the criteria set out in Policy PLP24 of the Local Plan which seeks to ensure that new provides a high standard of living conditions for future and neighbouring occupiers.

Other Matters

14. I have considered the concerns raised by local residents in relation to the effect of the development highway safety with regards to the condition of the access, visibility, congestion and parking, and have noted that the Council have no concerns as such matters could be controlled through planning conditions. These are matters that do not affect my findings on the main issues.

Conclusions

15. For the reasons identified above the appeal is dismissed.

R Cooper

INSPECTOR