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# Appeal Decision

Site visit made on 13 February 2024

**by Mark Caine BSc (Hons) MTPL MRTPI LSRA**

**an Inspector appointed by the Secretary of State**

**Decision date: 27 February 2024**

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**Appeal Ref: APP/Z4718/W/23/3326938**

**Land adjacent to 325/327 Dunford Road, Hade Edge, Holmfirth HD9 2RT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr and Mrs J Dalton against the decision of Kirklees Council.
  - The application Ref 2023/62/90893/W, dated 23 March 2023, was refused by notice dated 6 June 2023.
  - The development proposed is demolition of dilapidated outbuildings and erection of a detached dwelling.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. A revised version of the National Planning Policy Framework (the Framework) was published on 19 December 2023. The content of the revised Framework has been considered but in light of the facts in this case it does not alter my conclusion.

## Main Issues

3. The main issues are:
  - The effect of the proposed development on the character and appearance of the area.
  - Whether the proposal would provide acceptable living conditions for future occupiers, with particular regard to garden space.
  - Whether the site can be brought forward for the proposed development having regard to its location, size and designation as safeguarded land.

## Reasons

### *Character and Appearance*

4. The appeal relates to a roughly rectangular shaped piece of land that comprises part of the curtilage area to a 2 storey semi-detached dwelling at 325/327 Dunford Road. No 325/327 is of stone construction and has a ridge and gable roof design. The appeal site contains 3 single storey detached outbuildings and an area of hardstanding that is used for the provision of an off street car parking space.
5. The surrounding area has a semi-rural character, comprising a mixture of new housing developments and older properties that are bound by open fields and

agricultural land. Two sides of the appeal site abut agricultural fields that are designated as 'safeguarded land'. Despite the varying styles and ages of the dwellings in the locality, the vast majority of the properties on the eastern side of Dunford Road sit within good sized plots and have off-street parking provision to the side or rear of them.

6. I appreciate that design is subjective, and that the proposed dwelling would incorporate natural reclaimed materials and feature 'blocked up windows', similar to those found on properties in the area. However, by subdividing the garden and introducing a 2 storey detached dwelling, the proposal would increase the built form and scale of development across the site. The proposed dwelling would have a smaller footprint and occupy a significantly smaller plot than other existing nearby dwellings. It would inevitably have considerably less space around it and a smaller garden area than is typical for the locality. The introduction of the front gable roof form, in combination with the factors above, would also serve to draw the eye, and accentuate its visual prominence and discordant nature.
7. Furthermore, the proposed house has been set back from the building line of No 323, and No 325/327 in order to provide space for an off-street car parking bay. This would result in an exposed, bare, hard surfaced area that would appear as a strident and incongruous feature in the street scene. When in use the parked car would also dominate the frontage of the site, and would not, in my view, constitute good design for a new dwelling. As a result of all of these factors the proposal would thereby appear conspicuous, contrived and cramped on the site, and out of context with the predominant layout and pattern of development in the area.
8. My attention has been drawn to other residential properties in the area, namely at Nos 311 and 313 Dunford Road and on Bayfield Close. However, one of these examples is an apartment and the others are clearly larger than the proposed dwelling and appeared on my site visit to have more garden space. They are therefore not directly comparable to the proposal. The present appearance of the buildings on the site, or other extensions approved under Ref: 2022/62/92067/W do also not in themselves justify the harm that I have identified above.
9. As such, I find that the proposed development would harm the character and appearance of the area. It would therefore conflict with Policies LP1, LP2, LP11 and LP24 of the Kirklees Local Plan 2019 (Local Plan). These seek, amongst other things, to promote high quality design and place shaping by ensuring that the form, scale and layout of development respects and enhances the character of the townscape and landscape. Conflict would also arise with Policy 2 of the Holme Valley Neighbourhood Development Plan 2021-2031 (2021), which requires, amongst other things, for the protection and enhancement of the natural and built environment. Similarly, it would not accord with design guidance contained within the Council's Housebuilder Design Guide SPD 2021 (SPD), and the Framework.

#### *Living Conditions*

10. It is uncontested that the Council has no minimum outdoor space standards for garden areas, and I appreciate that this is therefore also a subjective matter. Furthermore, I am mindful that the proposal is for a 1 bedroom property and

that the SPD advises that the size of private gardens should be influenced by the size of the dwelling, and the potential number of occupants.

11. Nonetheless, the SPD also sets out that the provision of outdoor space should be considered in the context of the site layout and its location within the site. Given the small size of the plot and the siting of the car parking space along the frontage, the outdoor amenity space is proposed to be provided to the southern side and the rear of the proposed building. These areas are of limited width and depth and practical use for purposes such as playing, gardening, the storage of domestic equipment such as bicycles and the drying of clothes. While the internal living arrangements may comply with nationally described space standards, this would not mitigate the inadequate outdoor amenity space provision.
12. I note the appellants' argument that the amenity standards would be greater than 1,2 and 3 bedroom converted former textile mills in the district. However, the lack of outdoor amenity space in other properties would not justify a deficiency in this case. Nor is the proximity of the site to public recreational playing fields, bridleways, footpaths and moorland. These facilities would not offer the same accessibility, convenience or privacy as a reasonably sized garden area. This would be especially the case if a resident would only want to sit outside for a relatively brief period of time.
13. Accordingly, I am unable to find that the proposed development would provide acceptable living conditions for future residents, arising from the limited garden space. It would thereby conflict with Local Plan Policy LP24, which requires proposals to promote good design by providing a high standard of amenity for future and neighbouring occupiers. Conflict would also arise with advice within Principle 17 of the SPD. These are broadly consistent with the objectives of the Framework in respect of Chapter 12.

### *Safeguarded Land*

14. The appeal site is designated as safeguarded land under Local Policy LP6. The purpose of designated safeguarded land is to prevent its development to ensure that Green Belt boundaries will last beyond the end of the Local Plan period. This is to allow the land to be considered and potentially released for development through a review of the Local Plan.
15. The justification for this policy sets out that development required in connection with established uses, or a change of use to an alternative open land use or to temporary uses which would not prejudice the possibility of development after the plan is reviewed, nor is detrimental to the character of the site and its surroundings, may be permitted.
16. The proposed development would not fall within any of these use categories. I also appreciate that the policy justification states that the consideration of permanent development of safeguarded land, such as for housing, will only occur through a change to the allocation through a review of the Local Plan. However, the appeal site forms a very minor part of this land designation and is a considerable distance away from the boundaries of the Green Belt, directly fronting Dunford Road. It is also uncontested that it forms a part of the curtilage to No 325/327 and is already occupied by permanent development that is in residential use, with an extant permission for extensions and a detached garage (Ref: 2022/62/92067/W).

17. Furthermore, the rear elevation and rear habitable windows of No 325/327, along with its back garden area are set further back from Dunford Road than the rear boundary of the appeal site. As such, it is unlikely that the proposed house would present any undue constraints in respect of the siting, layout and privacy levels of future housing on the remainder of the safeguarded land. Given the amount of open space along Dunford Road and Greave Road there are also alternative access points available for potential future development on this land.
18. In light of the above factors, I am not convinced that the proposed development would prejudice the possibility of long-term development of the safeguarded land. Whilst there would be some conflict with Local Plan Policy LP6, I am unable to find, in this instance, that the site could not be brought forward for the proposed development having regard to its size, location and designation. Accordingly, I am satisfied that the proposal would not cause any harm in respect of this main issue.

### **Other Matters**

19. The proposal would provide an opportunity for the appellants' son to continue to live in the village where he was born and has grown up. However, personal circumstances seldom outweigh more general planning considerations, particularly where development would be permanent. Moreover, there is nothing to indicate that such benefits are solely reliant on the scheme before me as opposed to any other.
20. It has also been put forward that the proposal would not have a negative impact on designated or non-designated heritage assets and that it would have a very high level of thermal insulation and other measures to provide an energy efficient low-cost dwelling. Nonetheless, given the scale of the proposal any benefits in these respects would be very limited.

### **Conclusion**

21. I have found that there would be no adverse harm concerning the designation of the site as safeguarded land, and that the proposal would bring benefits of very limited weight. However, these considerations would not be sufficient to outweigh the harm that the proposal would cause to the character and appearance of the area and the living conditions of future occupiers. For the reasons given above, having taken account of the development plan as a whole, along with all other relevant material considerations, the appeal should therefore be dismissed.

*Mark Caine*

INSPECTOR