

Appeal Decision

Site visit made on 8 May 2024

by N Kempton BAHons, PGDip, MA, IHBC, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2024

Appeal Ref: APP/Z4718/W/23/3331820

102 Redwood Drive, Bradley, Huddersfield HD2 1PW

- 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 Olukayode Olutayo against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2023/62/90936/W.
 - The development proposed is partial demolition of existing dwelling and erection of replacement dwelling.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues relevant to this appeal are the effect of the proposed development on:
 - the character and appearance of the dwelling and the street scene;
 - the living conditions of neighbouring occupiers at: No.100 Redwood Drive with particular regard to loss of light and outlook; No's. 11 and 15 Brier Hill View with regard to privacy;
 - the habitat of protected species with regard to potential disturbance;
 - the living conditions of the occupiers of the appeal property with particular regard to noise and odour given the proximity of the property to the existing Priority Employment Area.

Reasons

Character and appearance

3. The appeal property is situated in a predominantly residential area, the design concept of which has a strong coherence reflective of planned development, with surrounding properties sharing a consistent style of design and construction. The appeal property is a detached, two storey dwelling, which is orientated with eaves and ridge parallel to the street, characteristic of properties in this part of Redwood Drive. Front gardens are attractive, with soft landscaping animating the space, positively contributing vibrancy and

colour to the street scene. The garden associated with the appeal site wraps around the front, side and rear of the property. The dwelling is accessed via a private drive, which provides off-street parking. Adjacent to the appeal site and bordering the north side of the property, land is allocated as a primary employment area.

4. The proposed development would result in a new dwelling that is significantly larger in scale compared with the existing dwellings in the vicinity of the plot. The appeal property occupies a plot that is larger than average compared with other plots in Redwood Drive. This does not however, mitigate the harm arising from the size and massing of the proposed development, which would fail to reflect the plot ratios and proportions of the adjoining properties in the street. The loss of spaciousness on this particular plot would result in an incongruous form of development in its spatial context. The proposed development would fail to assimilate with the neighbouring properties in the street, rather it would appear unduly prominent.
5. Whilst there is variation in house types, consistency derives from the material palette, scale and architectural detailing. The design and scale of the scheme would constitute a departure from the established scale and architectural style. The design of the façade and the material palette with the extent of glazing and use of render, would fail to achieve a coherent identity which harmonises with the neighbouring properties in the street.
6. The proposal would result in a bulky and visually dominant structure when viewed within the street scene and from neighbouring properties which does not accord with the established pattern of development within the locality. As such, the appeal scheme would fail to reinforce and enhance local character and distinctiveness.
7. The proposed development would substantially increase the depth of the dwelling, resulting in a continuous elongated ridge and eaves line, lacking any articulation or relief. The two-storey front gable projection fails to reflect, or respect, the coherent building line and would appear unduly dominant in the street scene. The visual impact of this projecting gable would be further emphasised by the full height, curved glazed panels of the atrium entrance, which would be visually obtrusive, by reasons of the choice of materials, scale and design.
8. Furthermore, the siting of the detached double garage would be a departure from the front building line of the dwellings. It would stand forward of the established line, which would accentuate its prominence as viewed along Redwood Drive. It is acknowledged that the proposed garage would be sited at the head of the cul-de-sac and adjacent to a woodland area, limiting its impact on long-distance public views. However, its position- combined with the site's elevated location- would make the garage prominent and intrusive in close-range views within Redwood Drive.
9. I note the siting of the garage associated with 15 Brier Hill View. Whilst this garage is positioned forward of number 15, due to the alignment of the houses to the east of the garage, it is set well back and appears recessive rather than dominant. As such, the garage is not directly comparable with that which is proposed on the appeal site.

10. The siting and scale of the garage would fail to respect the coherence of the layout with regard to frontage gardens, to the detriment of the spatial character and landscape quality of this plot and indeed, this part of the housing development. The proposed development would result in the loss of the front garden in its entirety, thereby eroding the contribution that the soft landscaping of the front and side garden makes to landscape character. The property frontage would be dominated by the garage and parking provision, resulting in visual harm to the street scene.
11. It is acknowledged that 29 Grantley Place has been significantly altered and extended, including dormer windows and a gable feature to the front of the dwelling. However, the property is discreetly located at the far corner of the cul-de-sac. In contrast, whilst the appeal site is also located at the head of a cul-de-sac, it is not discreet, indeed the street layout and topography would afford views of the proposed development. For these reasons, the approved scheme of development at 29 Grantley Place would not be directly comparable to the appeal scheme, as such I attribute only limited weight to this comparison.
12. The National Planning Policy Framework (the Framework) supports innovative design as a key part of achieving sustainable development, provided that the design is appropriate to and integrates well with local context and enhances the quality and character of the area. The proposed development fails to respect context and does not reflect contextual design, rather the proposed development would introduce incongruity to the detriment of the character and appearance of the dwelling and the street scene.
13. Notwithstanding the evidence before me and my observations of properties in the vicinity of the appeal site that have undergone significant extensions, the proposed development fails to respect the coherence in the scale of development in the local area. Rather it would appear out of proportion with neighbouring dwellings, creating disharmony in the street. The existence of the extended properties brought to my attention, which are conspicuous in the street scene, fail to persuade me that the proposed scheme is acceptable in the interests of the character and appearance of the street, and do not therefore, weigh in favour of the appeal.
14. For these reasons, the proposed development would have a harmful impact on the character and appearance of the dwelling and the wider street scene. As such, the proposal would be contrary to: policy LP2 of the Kirklees Local Plan (LP) which regards place-shaping and requires all development proposals to protect and enhance the qualities which contribute to the character of a place; policy LP24 (a) and (c), which focusses on good design principles. Among other things, this policy sets out requirements to ensure the form, scale, layout and details of all development respects and enhances the character of the townscape and landscape (a) and are in keeping with the existing buildings in terms of scale, materials and details and minimise impact on residential amenity value or future neighbouring occupiers (c).
15. The proposal would also be contrary to chapter 12 of the Framework, which relates to achieving well-designed and beautiful places. Paragraph 135 of the Framework sets out requirements for developments including: add to the

quality of the area, are visually attractive as a result of good architecture, layout and effective landscaping, and maintain a strong sense of place, using the spaces and materials to create attractive places to live. Furthermore, it would be contrary to the guidance set out in principles 2,5,12,13 and 15 of the Housebuilders Design Guide SPD.

Living conditions of neighbouring occupiers

16. The depth of the rear extension would extend at two storeys in height alongside, and in close proximity to, the shared boundary with 100 Redwood Drive. The overly wide gable presents an expanse of largely blank wall, which would be a solid mass, lacking any articulation. The first-floor level is set back at to accommodate the balcony. This set back is insufficient to mitigate the overbearing effect of the development. Notwithstanding the set back or the siting and orientation of 100 Redwood Drive, it is reasonable to conclude that the combined effect of height, depth and overall scale of the proposed development and rear projections to the appeal property, would have a visually intrusive and over-enclosing effect. The topography would exacerbate this effect, given that the appeal site is on higher ground compared with 100 Redwood Drive. As such, the proposed development would result in a diminution of outlook to the detriment of the living conditions of neighbouring occupiers at 100 Redwood Drive.
17. The appeal property would be extended to the rear, thereby reducing the separation distance to the rear boundary and to numbers 11 and 15 Brier Hill View beyond. Notwithstanding the dense tree belt along the shared rear boundary, the relative alignment of the properties, or the guidance in the SPD regarding separation distances, the full height glazing panels on the rear gable projection and the balcony would afford occupiers of the appeal site overlooking into the living accommodation and gardens associated with these properties. This would compromise the living conditions of neighbouring occupiers with particular regard to privacy and undermine the purpose of a private garden.
18. Comparable views of the neighbouring gardens may be obtained from the first-floor bedroom windows of the existing dwelling. However, the disproportionate extensions to the rear, would result in the dwelling extending closer to the shared rear boundary and therefore closer to the neighbouring properties in Briar Hill View. The proximity of the appeal dwelling and the increased size of the openings on the rear gable elevation, as well as the balcony, facing the neighbouring properties, would heighten the perception of overlooking and exacerbate actual overlooking. Thereby further diminishing privacy to an unacceptable degree. Installation of obscure glazing to the balcony would not sufficiently mitigate the identified harm.
19. For these reasons, the proposed development would have a detrimental effect on the living conditions of neighbouring occupiers at: 100 Redwood Drive with particular regard to outlook; No's. 11 and 15 Brier Hill View with regard to privacy. As such, the proposed development would be contrary to policy LP24 of the LP, which sets out the expectation that good design should be at the core of all proposals in the district. Among other things, this policy sets out requirements to ensure proposals provide a high standard of amenity for future and neighbouring occupiers (b). It would also be contrary to chapter

12 of the Framework, which relates to achieving well-designed and beautiful places. Furthermore, it would be contrary to the guidance set out in principle 6 of the Housebuilders Design Guide SPD.

20. The proposal is also contrary to paragraph 135(f) of the Framework, which states that development should create a high standard of amenity for existing and future users.

Protected species

21. The appeal site is located within a bat alert zone and within close proximity to the Kirklees Wildlife Habitat Network.
22. The proposed development would involve works to the structure of the building which could potentially result in disturbance to roosting bats. In the absence of any substantive ecological information, I am unable to conclude that there would be no harm to the habitat of protected species.
23. I note the approach taken in determining the planning application at 29 Grantley Place. Notwithstanding this, current advice in Circular 06/2005 states that it is essential that the presence or otherwise of protected species, and the extent that they may be affected by the proposed development, is established before the planning permission is granted. This ensures that all relevant material considerations are addressed in making the decisions.
24. For these reasons, the proposed development fails to demonstrate that there would be no harm to the habitat of protected species with regard to potential disturbance. As such, the proposal fails to demonstrate compliance with LP policy LP30, which relates to Biodiversity and Geodiversity and requires that proposals protect Habitats and Species of Principal Importance.

Living conditions of future occupiers

25. The appeal property is located at the edge of the housing estate and adjacent to the existing Priority Employment Area, which is characterised by business and commercial units, access roads and associated car parking. To the north-west of the appeal site is a café, which is operational Monday-Thursday. This is separated from the site by a close-boarded fence and a tree belt. Whilst this use is an existing source of noise and odour, the proposed development would extend the appeal property closer to the site boundary, thereby reducing the separation distance, and the north-west elevation would have additional apertures at ground and first floor.
26. In the absence of any substantive information relating to the effects of noise and odour arising from the existing Priority Employment Area adjacent to the appeal site, I am unable to conclude that there would be no harm to the living conditions of the occupiers of the appeal property with particular regard to noise and odour given the proximity of the property to the existing Priority Employment Area.
27. For these reasons, the proposed development fails to demonstrate compliance with the following policies of the LP: policy LP24, which requires proposals to promote good design by ensuring, amongst other things, that they provide a high standard of amenity for future and neighbouring occupiers; including maintaining appropriate distances between buildings and

the creation of development-free buffer zones between housing and employment uses incorporating means of screening where necessary; policy LP52, which relates to the protection and improvement of environmental quality. This policy seeks to ensure that, amongst other things, the impact from noise for new development is acceptable.

28. Furthermore, paragraph 191 of the Framework states that proposals should mitigate and reduce to a minimum potential adverse impacts resulting from noise from new development- and avoid noise giving rise to significant adverse impacts on health and the quality of life.

Conclusion

29. I conclude that the proposed development is contrary to the development plan and to the Framework, and there are no material considerations to indicate that a decision should be taken other than in accordance with that plan.

30. The appeal is dismissed.

N Kempton

INSPECTOR