

PLANNING APPEAL STATEMENT FOR THE ERECTION OF ONE DWELLING

At:

LAND ADJACENT, 38, UPPER ROAD, BATLEY CARR, DEWSBURY, WF17 7LT

The planning application for the above was refused on the following grounds.

1. The proposed development would result in harm to the setting of a designated heritage asset (Holy Trinity Church), which provides important visual and social benefits to the wider area, with no public benefits to outweigh such harm. It would obstruct important vistas from Upper Road, whilst enclosing the listed building's surrounding due to the continuation of development. To permit the development would be contrary to Policies LP24 and LP35 of the Kirklees Local Plan, paragraphs in Chapter 16 of the National Planning Policy Framework.

2. The proposed development, due to scale and positioning would have a detrimental impact within the streetscene, reducing the sense of openness within this section of Upper Road, whilst appearing incongruent within the building group due to its appearance. It would be contrary to Principle 2, 5, 14 & 15 of the Housebuilders Design Guide Supplementary Planning Document, Policy LP24(a) of the Kirklees Local Plan and Chapter 12 of the National Planning Policy Framework.

The principle of a dwelling on the site is already established with the approval of the previous application for the site. 2025/62/90414/E.

This dwelling has the same footprint as the refused application but is single storey with a lean to roof.

The argument against the two grounds for refusal is set out in the Planning and Heritage Statement document attached to this appeal.