



Appeal Decision

Site visit made on 26 September 2017

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 5th October 2017

Appeal Ref: APP/Z4718/W/17/3177622

Adjacent to 14 Manor Road, Farnley Tyas, Huddersfield HD4 6UL

- 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 Michael Bullas against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/93177/E, dated 30 August 2016, was refused by notice dated 1 March 2017.
 - The development proposed is the erection of a detached dwelling with an attached garage.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. For the purposes of clarity and accuracy, I have used the description of development and site address details that are given on the planning appeal form, and as these also reflect the Council's decision notice.

Main Issue

3. The main issue is whether the proposal would preserve or enhance the character or appearance of the Farnley Tyas Conservation Area.

Reasons

4. The appeal site comprises part of a paddock that forms a frontage onto Manor Road, which is defined by a stone wall. The site shares a common boundary with 14 Manor Road, whilst the boundaries with the remaining area of the paddock are undefined. To the rear of the site is open countryside. Further to the east, two new dwellings have recently been constructed at Park Farm. Opposite the site are dwellings, and to the east of these is a further paddock.
5. Manor Road's contribution to the Conservation Area is derived from a clustering of principally traditionally styled residential properties and farm buildings that are interspersed with open gaps that allow views through to the countryside. These gaps contribute towards the semi-rural character and are a constituent of the significance of this part of the Conservation Area. The importance of the site in this regard has been acknowledged through previous appeal decisions on the site in 1984 and 2001, albeit in relation to larger residential schemes.

6. The proposal, by virtue of its siting in close proximity to the boundary with No 14, would serve to increase the extent of linear built development along Manor Road. In doing so it would also erode the importance of the site as a gap that separates the existing clusters of development. Whilst a gap would remain to the new dwellings at Park Farm, this would be narrowed so as to give a noticeable consolidation of development that would detract from the contribution of the site to the prevailing character and appearance.
7. The narrowing of the gap would also reduce views into the countryside from Manor Road, as the view from in front of the site would be significantly reduced. The view through the remaining gap would also be framed by the increased presence of built development rather than the current largely uninterrupted view over the paddock into the countryside. This would further compromise the importance of the site as a gap between the clusters of development.
8. The proposed design does not change my views because the relevant consideration is the loss of the contribution of the site as part of an important open gap along Manor Road. Similarly, any restrictions over further building towards the remaining part of the gap up to Park Farm through the imposition of conditions would not overcome this detrimental effect as it would not address the loss of this character. The two new dwellings at Park Farm themselves are clustered and sited around the access with the farm buildings. With the different set of circumstances, the proposal fails to preserve the character. None of these matters alter my conclusions.
9. Reference has been made by parties to a recent appeal decision for a dwelling at 20 Manor Road. However, the proposal is on a different site and I have dealt with the current appeal on its merits. I also note comments made about how the Council dealt with the planning application, although this is not a matter for me to comment on in the context of this appeal.
10. The main issue reflects the statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990. For the reasons set out above, I conclude the proposal would fail to preserve or enhance the character or appearance of the Conservation Area. This failure and the resulting harm to the significance of the heritage asset are of considerable weight and importance. The absence of a conservation area appraisal does not lessen the protection which is applied to the Conservation Area under the statutory duty. I also conclude the proposal would not comply with 'Saved' Policy BE5 of the Kirklees Unitary Development Plan (1999) which states that development within Conservation Areas should contribute to the preservation or enhancement of the character or appearance of the area.
11. Paragraph 132 of the National Planning Policy Framework (Framework) is also clear that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. For the purposes of paragraphs 132 to 134 of the Framework, I consider the proposal would lead to less than substantial harm to the significance of the Conservation Area, which is to be weighed against the public benefits.
12. The Council accepts it cannot demonstrate a five year housing land supply, and the proposal would make a contribution, albeit modest, to addressing the shortfall. In respect of a cumulative contribution, no evidence has been

submitted that demonstrates the proposal, in combination with other sites, would significantly contribute to addressing the shortfall. Given the harm that would arise to the character or appearance of the Conservation Area, this would not be outweighed by the benefit to housing land supply, or a demand for housing in the area. Although construction would give rise to some economic benefit, this would be likely to be modest and for a short duration. Consequently, these matters only provide limited weight in favour of the proposal. The public benefits would not outweigh the harm.

Conclusion

13. The proposal would fail to preserve or enhance the character or appearance of the Conservation Area, and would cause less than substantial harm to the significance of the designated heritage asset that is not outweighed by the public benefits. Accordingly, I conclude the appeal should be dismissed.

Darren Hendley

INSPECTOR



Appeal Decision

Site visit made on 17 October 2017

by **J D Westbrook BSc(hons) MSc MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 October 2017

Appeal Ref: APP/Z4718/D/17/3180215

60 Leeds Road, Dewsbury, WF12 7BG

- 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 Mrs Gulab Begum against the decision of Kirklees Metropolitan Council.
 - The application Ref 2017/62/91126/E, dated 30 March 2017, was refused by notice dated 26 May 2017.
 - The development proposed is described as a bathroom porch extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed extension on the character and appearance of the area around Leeds Road and Charles Street.

Reasons

3. No 60 Leeds Road is a stone-built, three-storey, end-terraced house, situated on the southern side of Leeds Road, close to its junction with Charles Street. Charles Street slopes steeply up from Leeds Road such that the appeal property is in an elevated and prominent position. The surrounding area is largely residential, although there is a relatively modern medical centre opposite to No 60 across Charles Street.
4. The terrace, of which No 60 is a part, consists of 7 houses. There are 3 houses with small front second floor gable windows arranged symmetrically each side of a central house, which is set a little further forward than the rest of the terrace, and which has a larger front gable feature. This symmetry and uniformity is a significant feature in the appearance of the immediate surroundings. The houses have long front gardens, each with access from a communal front path. There is a further open area of land between the path and the boundary wall on the south side of Leeds Road. There is a communal path also at the rear of the terrace, which runs along the rear elevations of the houses and which separates the houses from their rear yards and outhouses.
5. The proposed development would involve the construction of an extension to the front of No 60 with a monopitch roof. From the submitted plans, it appears that the new extension would be around 2.5 metres square and that it would include a wet room and a large porch. It would also involve the construction of a new set of steps with a handrail forward of the new structure.

6. By virtue of the overall scale and the degree of forward projection of the proposed extension, I consider that it would be a prominent and over-dominant feature at the front of a terrace of houses which exhibits a degree of symmetry of design and appearance. This unsympathetic appearance would be exacerbated by the steep slope away from the front of the house, which is not clear from the submitted plans and which would increase the overall visual impact of the proposal, particularly with the addition of more steps.
7. The Council notes that Policy BE14 of its Unitary Development Plan (UDP) supports modest front extensions. However, it would appear that permissions have only been granted elsewhere for up to 1.5m projections from the front elevation. In this case the scale of the proposed extension, with a projection of some 2.5 metres, is larger than would normally be supported by the Council, while the width of the extension further exaggerates its over-dominant appearance within the row. The Council contends, therefore, that the scale and design is harmful to the visual amenity of the area with regard to its effect on both the host property and the row of terraced houses of which it is a part. I concur with that assessment.
8. The appellant has produced a supporting letter relating to a medical condition, which indicates that a downstairs toilet would be advantageous. She has also been referred for assessment by the Council's Accessible Homes Team, although I have no details of any results from this assessment. I have sympathy with Mrs Begum and her condition, and I also note that it is not possible to extend out from the rear of the property. However, from the information before me, I am not satisfied that the proposed front extension represents the only solution to her desire for a more accessible toilet. In this case, therefore, the personal circumstances of the appellant do not outweigh the harm to the character and appearance of the surrounding area that would be caused by the proposal as submitted.
9. In conclusion, I find that the proposed front extension, by virtue of its scale and detrimental effect on the symmetry and overall uniformity of the design of the terrace of which it is a part, would be harmful to the character and appearance of the area around Leeds Road and Charles Street. It would, on this basis, conflict with Policies D2 and BE14 of the UDP, both of which require that developments, including extensions, should not be harmful to the visual amenity of an area.

J D Westbrook

INSPECTOR