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## Appeal Decisions

Site visit made on 29 October 2019

by **John Braithwaite BSc(Arch) BArch(Hons) RIBA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 8 November 2019

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### Appeal Ref: **APP/Z4718/W/19/3226182**

#### **6 Carrs Road, Marsden, Huddersfield HD7 6JE**

- 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 Ian and Mrs Sinead Battarbee against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2018/62/93970/W, dated 1 December 2018, was refused by notice dated 28 March 2019.
  - The development proposed is side/rear extension with associated internal alterations.
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### Appeal Ref: **APP/Z4718/Y/19/3226189**

#### **6 Carrs Road, Marsden, Huddersfield HD7 6JE**

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
  - The appeal is made by Mr Ian and Mrs Sinead Battarbee against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2018/65/93971/W, dated 1 December 2018, was refused by notice dated 28 March 2019.
  - The works proposed are side/rear extension with associated internal alterations.
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## Decisions

Appeal Ref: APP/Z4718/W/19/3226182

1. The appeal is allowed and planning permission is granted for side/rear extension with associated internal alterations at 6 Carrs Road, Marsden, Huddersfield in accordance with the terms of the application Ref 2018/62/93970/W, dated 1 December 2018, subject to the following conditions:
  1. The development hereby permitted shall begin not later than three years from the date of this decision.
  2. The development hereby permitted shall be carried out in accordance with approved plan nos. 18-D06/9002 Rev. P2, 18-D06/2002 Rev. P3 and 18-D06/2003 Rev. P3.

Appeal Ref: APP/Z4718/Y/19/3226189

2. The appeal is allowed and listed building consent is granted for side/rear extension with associated internal alterations at 6 Carrs Road, Marsden, Huddersfield in accordance with the terms of the application Ref 2018/65/93971/W, dated 1 December 2018, subject to the following conditions:

1. The works authorised by this consent shall begin not later than three years from the date of this consent.
2. The works hereby authorised shall be carried out in accordance with approved plan nos. 18-D06/9002 Rev. P2, 18-D06/2002 Rev. P3 and 18-D06/2003 Rev. P3.
3. No relevant works shall begin until detailed drawings (at an appropriate scale and showing plans, sections and materials) of doors, windows (including details of heads, cills, jambs and mullions), rainwater goods, and external steps and balustrading, have been submitted to and agreed in writing by the local planning authority. The works shall be carried out in accordance with the approved detailed drawings.

## **Reasons**

3. 6 Carrs Road is an end-terraced dwelling that is a Grade II listed building situated in the Marsden Conservation Area. The main issue is the effect of the proposed side/rear extension on the architectural and historic interest of the listed building and on the character and appearance of the Marsden Conservation Area.
4. The dwelling was built in the early 19<sup>th</sup> century in narrow coursed hammer dressed stone with quoins under a pitched stone slate roof. It is on sloping ground and has two storeys at the front and three at the rear. At lower ground floor level at the rear is a full width lean-to extension that is a modern addition to the listed building, though it is constructed in matching materials. The extension has a low pitched roof. The principal features of the listed building are its stone mullioned windows. At the front there is a four light window at ground floor level and a five light window at first floor level. At the rear there is a three light window at each of the upper two floors, that at ground floor level being directly above the low pitched roof of the lower ground floor extension.
5. The proposed rear extension would be directly above the existing extension; the low pitched stone slate roof would be raised by one storey. The rear extension would extend beyond the end gable wall of the dwelling and alongside the gable to create a side extension. Steps would lead up to a door in the front elevation of the side extension and steps would lead down from a rear door down to a garden area.
6. The side/rear extension would be appropriately constructed in matching materials. The extension would extend across the window opening in the middle floor level at the rear but the stone mullions of this feature of the building would not be lost but would be reinstalled in the rear elevation of the rear extension. The non-alignment of the two principal windows at the rear is an inconsequential matter. The roof of the extension would have the same relationship with the window at the upper floor level as the roof of the existing rear extension has with the window at the middle floor level. Extensions to traditional buildings often have low pitched roofs and the roof over the side/rear extension, in this regard, would not be unusual or incongruous. Proposed 'glazed railings' to the steps at the rear would be unduly modern and unacceptable, but a condition of the listed building consent requires details of balustrading to be approved by the local planning authority, so an appropriate solution to this element of the works can be achieved.
7. The form of the original weaver's dwelling would still be apparent and its modest scale would not be undermined or dominated by the proposed extension. The Council does not object to the proposed internal alterations. The proposed works would not harm the architectural and historic interest of the listed building.

8. The side extension would obscure only a small rear part of the gable end of the dwelling and the extension is predominantly at the rear of the dwelling, which is not visible from the road. In this regard the dwelling would retain its presence in the street scene. The proposed works to the listed building would not result in any harm to the character and appearance of the Marsden Conservation Area.

#### Conditions

9. Apart from standard time limit and approved drawings conditions the Council has suggested a condition, to be imposed on the listed building consent only, that would require the prior approval of detailed drawings of various works, such as doors and windows. There is no need for the drawings to be approved before any works take place, rather that they be approved before relevant works take place. The suggested condition has therefore been amended and included in the condition is the requirement to submit detailed drawings of balustrading.

#### Conclusion

10. The proposed side/rear extension would not harm the architectural and historic interest of the listed building or the character and appearance of the Marsden Conservation Area. The proposed works do not conflict with policies PLP24 and PLP35 of the Kirklees Local Plan and paragraphs 195 and 196 of the National Planning Policy Framework are not engaged. Planning permission and listed building consent have therefore been granted, subject to conditions, for side/rear extension with associated internal alterations at 6 Carrs Road, Marsden, Huddersfield.

*John Braithwaite*

Inspector



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## Appeal Decision

Site visit made on 3 September 2019

**by F Cullen BA(Hons) MSc DipTP MRTPI IHBC**

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

**Decision date: 1 October 2019**

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**Appeal Ref: APP/Z4718/D/19/3231787**

**Eastwood House, 14 Green Cliff, Honley, Holmfirth HD9 6JN**

- 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 K Bedford against the decision of Kirklees Council.
  - The application Ref 2018/62/93717/W, dated 6 November 2018, was refused by notice dated 7 June 2019.
  - The development proposed is extension and alterations to existing dwelling and new detached double garage and related landscape works.
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### Decision

1. The appeal is allowed and planning permission is granted for the erection of extensions and alterations to dwelling, erection of detached garage with office/store above and related landscape works at Eastwood House, 14 Green Cliff, Honley, Holmfirth HD9 6JN in accordance with the terms of the application, Ref 2018/62/93717/W, dated 6 November 2018, subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: 18075D-06-P02 and 18075D-04-P09.
  - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
  - 4) The development hereby permitted shall be carried out in accordance with the Arboricultural Method Statement carried out by AWA Tree Consultants ref AWA2641.
  - 5) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no door, windows or any other openings (other than those expressly authorised by this permission) shall be constructed on any elevation of the garage.

### Procedural Matter

2. The description of development used by the Council and on the appeal form more accurately describes the development proposed and I have therefore used it in my formal decision.

## **Main Issue**

3. The main issue is the effect of the proposed development on the character and appearance of the site and surrounding area, with due regard to the location of the site in the Honley Conservation Area (CA) and protected trees.

## **Reasons**

4. The appeal property is a large, detached, two storey dwelling located within a generous garden containing several mature trees. The site lies within the CA and the trees within the site are covered by a Tree Preservation Order (TPO).
5. The CA comprises the historic core of Honley Village along with later development in the surrounding area. It also includes a large open field and parts of the River Holme and Mag Brook. The core of the CA is characterised by narrow streets and a generally tight-knit pattern of development of stone built terraced properties focused around St Mary's Church. This is in contrast to the outer parts of the CA which is characterised by a generally looser pattern of development of more recent detached houses sited in large mature gardens. Both aspects combine to give the CA considerable significance as a designated heritage asset.
6. The appeal property and site form part of the more recent development outside of the historic core. The building dates from the early 1990s and is constructed of natural coursed stone with concrete tiles to the roof. Although modern, the building's form, design and materials are respectful of its context, and so, it makes a neutral contribution to the character and appearance of the CA. The large, spacious garden to the property reflects the spatial layout and pattern of development in this part of the CA and, combined with the well-established mature trees along the boundaries and within the site, cause it to make a positive contribution to the character and appearance of the CA.
7. The Council has raised no concerns regarding the proposed extensions and alterations to the dwelling. Given their subservient scale, satisfactory separation distances from adjacent properties, complementary form and design and matching materials, I have no reason to disagree.
8. The proposed development would introduce a detached, two storey, double garage with an office/store above near to the southern corner of the site. It would be partially built into the existing steeply banked slope. The existing driveway would be extended into part of the garden area to provide access and a turning circle. Although it would be a substantial structure, the height, scale and massing of the garage would clearly be subservient to the main building. Furthermore, a sizeable area of the existing garden would be retained which would maintain the spacious nature of the site. On this basis, I consider that it would not amount to a harmful intrusion into the setting of the main building.
9. Its corner location and siting within the bank would mean that the garage would not be unduly prominent when viewed from Green Cliff. Although, this would cause it to be visible in longer range views from the adjacent open field. However, its form, design and matching materials would cause it to be seen as a complementary addition to the main dwelling and enable it to sit comfortably within the site.
10. The mature trees within the site contribute to the verdant and soft landscaped setting of the dwelling and the surrounding area. They are protected by a TPO

and by virtue of their location within the CA. The proposed development would not require the loss of any trees within the site and would be positioned outside the root protection area of the trees that are considered to be most important. Furthermore, it is the opinion of the Council's Tree Officer that, subject to a condition, the required levels could be achieved without harming the long term viability of the retained trees and I have no substantive evidence to disagree. This, taken together with the additional tree planting, would mean that the proposed development would not have a detrimental impact on the well-established tree cover and verdant nature of the site.

11. Accordingly, and having given considerable importance and weight to the preservation of the CA, I conclude that the proposed development would not harm the character and appearance of the site or that of the surrounding area, and thus it would preserve the character and appearance of the Honley Conservation Area. It would also not harm the protected trees on the site. As such, it would not conflict with Policy LP24 (a) and (c) of the Kirklees Local Plan (2019) which promote good design by ensuring that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape, and that extensions are subservient to the original building and are in keeping with the existing buildings in terms of scale, materials and details. It would also be consistent with the objectives of Paragraph 127 of the National Planning Policy Framework, which requires development to be sympathetic to local character.

### **Other Matters**

12. I have had regard to representations made by neighbours. I acknowledge their concerns regarding the effect of the garage in relation to outlook, light and privacy. I viewed on site that the garage would be visible from some of the properties on St Mary's Mews. However, taking into account the approximate 15.5m separation distance between the side elevation of the garage and the rear elevation of the nearest property on St Mary's Mews, the form and design of the garage and the existing and newly planted screening, I consider that it would not be unduly overbearing and cause an unacceptable level of harm to outlook or overshadowing and loss of light. In addition, due to the lack of openings on the side elevation of the garage, I consider that there would be no overlooking and harm to the privacy of these neighbours and this could be protected in the future by a condition.
13. I note their concerns in relation to noise due to increased traffic to this part of the site and from the use of the upper floor of the garage. However, I consider that any noise would be no more than that normally associated with a domestic property.
14. Finally, I note the issue raised regarding a decrease in the value of neighbouring properties. However, it is a well-founded principle that the planning system does not exist to protect private interests such as the value of land and property.
15. All of the matters above, individually or collectively, do not provide justification to withhold consent for the appeal proposal and therefore do not alter my conclusion.

### **Conditions**

16. Planning permission is granted subject to the standard three year time limit condition. I have imposed a condition specifying the relevant drawings as this provides certainty. To ensure that the external appearance of the development is compatible with its context, a condition is attached relating to matching materials. To safeguard the viability of protected trees on the site a condition is imposed to ensure that the development is carried out in accordance with the approved Arboricultural Method Statement. In the interests of the living conditions of existing and future occupants of neighbouring properties, exceptionally, it is necessary to attach a condition to remove permitted development rights relating to the insertion of openings in the elevations of the garage. I have not imposed a condition suggested by the Council relating to the use of the garage as, should the garage be used for anything other than uses incidental to the dwellinghouse, the Council could take enforcement action.

### **Conclusion**

17. For the reasons given above and subject to conditions, I conclude that the appeal should be allowed.

*F Cullen*

INSPECTOR



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## Appeal Decision

Site visit made on 23 September 2019

by **K Ford MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 16 October 2019

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**Appeal Ref: APP/Z4718/D/19/3232787**

**Hogley Farm, Hogley Lane, Holmfirth HD9 2QA**

- 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 A and R Hogley against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2019/62/90030/W, dated 8 January 2019, was refused by notice dated 24 April 2019.
  - The development proposed is replacement of existing stable block with proposed single storey detached games room.
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### Decision

1. The appeal is allowed and planning permission is granted for a replacement of existing stable block with proposed single storey detached games room at Hogley Farm, Hogley Lane, Holmfirth HD9 2QA in accordance with the terms of application reference 2019/62/90030/W, dated 8 January 2019 subject to the following conditions:
  - (1) The development hereby permitted shall begin not later than 3 years from the date of this Decision.
  - (2) The development hereby permitted shall be carried out in accordance with the following plan: 18117D-01-P04.
  - (3) The development shall not be occupied until all the roof-light windows in the building hereby approved have been obscure glazed. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 as amended (or any Order revoking or re-enacting that Order with or without modification) the obscure glazing shall thereafter be retained.
  - (4) The development hereby approved shall be used solely as ancillary accommodation incidental to the enjoyment of the property known as Hogley Farm, Hogley Lane, Holmfirth HD9 2QA.

### Application for costs

2. An application for costs was made by Mr and Mrs A and R Hogley against Kirklees Metropolitan Borough Council. This application is the subject of a separate Decision.



## **Main Issues**

3. The main issues are:

- Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (NPPF) and any relevant development plan policies.
- The effect of the development on openness.
- Would the harm by reason of inappropriateness, and any other harm, be clearly outweighed by other considerations. If so, would this amount to very special circumstances required to justify the proposal.

## **Reasons**

### *Inappropriate Development*

4. The appeal site accommodates a detached single storey timber stable block that sits on a concrete base to the front of the residential dwelling known as Hogley Farm. To the side and front of the structure is a drystone wall with a retaining wall to the rear which separates the lower ground of the appeal site from the higher ground of the garden associated with the neighbouring dwelling, Highlands. The stables are currently used for the storage of domestic household items.
5. The appeal site is located in the Green Belt. Paragraph 143 of the NPPF states inappropriate development is, by definition, harmful to the Green Belt and should not be approved except in very special circumstances. Paragraph 145 of the NPPF states the construction of new buildings in the Green Belt is inappropriate. It sets out some exceptions, one of which is the limited infilling or the partial or complete redevelopment of previously developed land, whether redundant or in continuing use (excluding temporary buildings) which would: not have a greater impact on the openness of the Green Belt than the existing development.
6. Policy LP57 of the Kirklees Local Plan 2019 (Local Plan) amongst other things says replacement buildings in the Green Belt are normally acceptable provided the new building is in the same use and not materially larger than the building it is replacing. The development amongst other things must also not result in a greater impact on openness. Policy LP59 of the Local Plan amongst other things says that the redevelopment of brownfield sites is normally acceptable provided in the case of redevelopment, the extent of the existing footprint is not exceeded.
7. The NPPF defines previously developed land as land which is or was occupied by a permanent structure. The Council say the existing building is temporary and therefore that the land is greenfield rather than previously developed land. Both main parties refer to caselaw which establishes 3 tests for considering whether something is a permanent structure. Whilst neighbouring representors state that the stables were originally built as a temporary structure to stable horses, aerial photography indicates that the stables date from sometime before 2009. Whilst they may not form part of the original dwelling, the Council acknowledge that they have been in place for more than 15 years. This along with the fact that the structure is bolted down to a brick and concrete base suggests it has not been moved. Even if assembled in a single day, and capable

of being dismantled in a similar timeframe, on site assembly would have been required on site given that it is not unsubstantial in size. It is also served by water and electricity.

8. On the basis of the evidence before me, along with my observations on site, I am of the view that the stables can be reasonably considered to be a permanent structure. The land is therefore previously developed land and as such whether the proposal would be inappropriate development is dependent upon whether there would be a greater impact on openness.

#### *Openness*

9. Paragraph 133 of the NPPF says 'the fundamental aim of Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence'. The footprint of the existing building is some 46 sqm which would increase to some 53 sqm post development. The proposal would be of a similar height to the existing stables. The proposal would not therefore be materially greater in size than the existing stables. The additional footprint would be accommodated in the gap between the existing structure and the retaining wall behind.
10. There would be very little difference in the overall size of the built form on the site as a result of the proposal. The scheme would not cause material harm to the openness of the Green Belt or impact on one of the purposes of Green Belt in terms of safeguarding the countryside from encroachment.
11. The development would not be inappropriate development and would not harm openness. Very special circumstances are not therefore necessary to justify the development.

#### *Other Matters*

12. There is debate between the parties as to whether the piece of land which the development would sit on forms part of the residential curtilage of Hogley Farm and whether the existing building should be treated as an outbuilding of the residential property. However, I would come to the same view whether the site was part of the curtilage or not.
13. The architectural appearance of the proposal would be very similar to the existing stables, timber clad with a sedum roof replacing the existing moss covered roof. The small increase in the footprint of the development would not generate an overly dominant development, despite its location to the front of the property. There would consequently be no harm to the character and appearance of the area.
14. Concern has been raised that the building could be converted to another use in the future. However, any material change of use would require planning permission. To ensure compliance an appropriately worded planning condition restricting use can be imposed.
15. Whilst highway safety concerns have been raised, there has been no objections raised by the Highways Authority and in the absence of any substantial evidence to the contrary I have no reason to disagree. Similarly, given the location of the proposal I have no reason to believe that there would be a harmful impact on existing car parking provision serving Hogley Farm or that the development would generate a need for additional car parking spaces.

There is also little to suggest that the Public Right of Way would be harmed by the scheme.

### **Conditions**

16. In attaching conditions I am mindful of paragraph 55 of the NPPF, which states that they should only be imposed where they are necessary, relevant to planning and to the development permitted, enforceable, precise and reasonable in all other respects. I have assessed the Council's suggested conditions on this basis.
17. In addition to the standard time limitations for commencement, I have imposed a condition specifying the relevant drawings as this provides certainty. A condition requiring obscure glazing is necessary to protect the living conditions of the residents of neighbouring properties. A condition restricting use to that which is ancillary to Hogley Farm is necessary to prevent the development from being used as an independent dwelling.

### **Conclusion**

18. For the reasons identified and having regard to all other matters, I conclude that the appeal is allowed.

*K Ford*

INSPECTOR