



Appeal Decision

Site visit made on 28 August 2018

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2018

Appeal Ref: APP/Z4718/W/18/3202483

Adj 31 Quarry Court, Longwood, Huddersfield HD3 4UQ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Jeremy Child against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/60/93147/W, dated 11 September 2017, was refused by notice dated 18 April 2018.
 - The development proposed is residential development.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The application is submitted in outline with all matters reserved except for access and I have dealt with the appeal on this basis treating the site plan as indicative.
3. Since the submission of the appeal a revised National Planning Policy Framework (the Framework) was published in July 2018. The main parties have been consulted on the implications of the new Framework for the current appeal and their responses have been taken into account in my reasoning below.

Main Issue

4. The main issue in this case is the effect of the proposal on the character and appearance of the area.

Reasons

5. The appeal site is a steeply sloping plot of land situated adjacent to No 31 Quarry Court. Quarry Court is a residential cul-de-sac with two to three-storey stone properties on either side of the street. The rear of No 31 and the adjoining properties look out onto the exposed rock face which is the limit of former quarry workings. Three properties are situated further along the south side of Quarry Court behind a private, gated driveway. Properties face the road set behind small, open landscaped gardens and driveways. The gaps between the properties and groups of dwellings enable views to the gardens and the dramatic setting of the quarry face to the rear. These factors contribute to the open, spacious and verdant character of the area.
6. The site is not allocated in the Council's Unitary Development Plan. However, it is proposed as a larger Urban Green Space (UGS) designation known as Longwood Edge within the Publication Draft Local Plan (PDL) (allocation UGS1217). Draft Policy PLP 61 states that development will not be permitted within urban green space except where the proposed development demonstrates an assessment showing the open space is clearly no longer required to meet local needs for open

space, sport or recreational amenity. No such assessment is before me and no replacement provision is proposed. Public hearings for the PDLP have been held and the Council is currently consulting on a set of Proposed Modifications. Whilst there are proposed changes to the wording; the thrust of the Policy remains the same. Furthermore, there have been no objections raised in respect of this specific designation and it is not proposed to alter the designation in the Proposed Modifications.

7. Moreover, the Policy is consistent with paragraph 97 of the Framework which states that existing open space, sports and recreational buildings and land, including playing fields should not be built on unless an assessment has been undertaken which clearly shows the open space, buildings or land to be surplus to requirements; or the loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location. As the PDLP is not yet adopted full weight cannot be afforded to the Policy; however, due to the advanced stage of Plan preparation and the consistency with the Framework, I consider that significant weight can be attached to it in my Decision.
8. The reason for designating the wider land as UGS is due to its wildlife value, informal recreation use and its significant visual amenity benefits as a prominent escarpment. The appeal site has naturalised over time and contains a number of shrubs, trees and grass, including non-native species. Limited evidence is before me regarding the ecological value of the appeal site. However, the site forms part of infilled embankment which rises steeply from the pavement to the top of the rock face which curves to an outcrop. It makes a significant visual contribution to the open hillside and prominent escarpment and forms an integral part of the wider UGS designation. Notwithstanding the contribution which the site makes to the designation, I consider that it, together with the adjacent land, makes a significant contribution to the open and spacious character of the area.
9. The indicative plans show one dwelling situated slightly further behind number 31 Quarry Court (No 31) with an access taken from just west of the existing gated access with a driveway with space for two cars. The proposal would require the excavation and removal of infill material from the site. No cross sections or levels of the site have been provided. However, due to the combination of the steep nature of the site and its elevated position compared to No 31, it appears to me that significant re-grading of the site and the re-exposure of the quarry face would be required to accommodate even a two storey dwelling with a similar height to the adjacent properties. Whilst limited details are before me regarding the design of the proposal, the dwelling would undoubtedly occupy a prominent position and it would be highly visible when viewed across the valley.
10. Furthermore, the dwelling would appear enclosed between the rock face to the rear and the rock outcrop to the east resulting in it appearing cramped and excessive in its plot and it would also result in the loss of green space. Taking these factors in combination, I consider that the proposal would represent an incongruous addition at odds with the open, spacious and verdant character of the area.
11. Attention is drawn to a previous appeal¹ for a three storey dwelling which was dismissed. The appellant considers that the previous Inspector concluded that the site could accommodate a two storey dwelling of a similar height to No 31. However, whilst the Inspector commented on the height of the dwelling she also

¹ Appeal reference: APP/Z4718/A/00/1049577

goes onto state that the proposal would be prominent, cramped and uncharacteristic of other development in the locality, both existing and approved.

12. Attention is also drawn to three dwellings which were allowed on appeal². However, I note that these dwellings are situated lower down the hillside and, therefore, appear less prominent and more compatible with the original development. This case is not, therefore, directly comparable to the appeal proposal which limits the weight which I can attach to it in my Decision.
13. For the reasons stated, I conclude that the proposal would harm the character and appearance of the area. It would, therefore, be contrary to criteria vi and vii of saved Policy D2 of the Kirklees Unitary Development Plan (UDP) which states that planning permission will be granted provided that proposals do not prejudice visual amenity or the character of the surroundings. Conflict also arises with criteria i and ii of saved Policy BE1 of the UDP which seeks to ensure that development is of a good quality design which is visually attractive and creates or retains a sense of local identity. Furthermore, there would also be conflict with criterion iv of saved Policy BE2 the UDP which seeks to ensure that existing and proposed landscape features (including trees) are incorporated as an integral part of the proposal.
14. Conflict also arises with draft Policy PLP 61 of the PDLP which states that proposals will not be permitted within Urban Green Space identified on the proposals map unless the proposed development meets a number of exceptions.
15. I have had regard to the indicative plan of the proposal in reaching this conclusion. Moreover, it appears to me that it would not be possible to develop the site for one dwelling in any other way without causing similar harmful effects on the character and appearance of the area.

Other matters

16. Although limited evidence is before me in relation to housing land supply, the Council acknowledge that they cannot demonstrate a five year supply of housing land. Paragraph 59 of the Framework seeks to significantly boost the supply of homes. However, Paragraph 124 states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 goes onto say that developments should be visually attractive and sympathetic to the local character and history.
17. The proposal would make a contribution, albeit limited, to housing supply; however, the harm which I have identified to the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Conclusion

18. For the reasons stated and taking all other considerations into account, the appeal should be dismissed.

Caroline Mulloy

Inspector

² Appeal reference T/APP/Z4718/A/99/10194571/P2



Appeal Decision

Site visit made on 21 September 2018

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

an Inspector appointed by the Secretary of State

Decision date: 27th September 2018

Appeal Ref: APP/Z4718/D/18/3206810

52 Broad Oak, Linthwaite, Huddersfield, HD7 5TE

- 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 R Booth against the decision of Kirklees Metropolitan Council.
 - The application Ref 2018/62/91623/W, dated 12 April 2018, was refused by notice dated 26 June 2018.
 - The development proposed is the erection of a single-storey front extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The address of the appeal property is given as 52 Broad Oak, although road signs and maps of the area appear to refer to the name of the road as Cowlersley Lane. To avoid confusion, I have used the address as given on the application form and decision notice, and referred throughout to Broad Oak.

Main Issue

3. The main issue in this case is the effect of the proposed extension on the character and appearance of the area around Broad Oak.

Reasons

4. No 52 is a modern detached stone-built house, situated on the northern side of Broad Oak. It is in the middle of a long row of modern, mainly detached houses on this side of the road. The houses are of varied design, though with use of similar materials throughout. They all have pitched roofs with gable ends. There are a number of small front projections and canopies on the houses along the row. Nos 52 and 54 are of similar design, each having a large integral garage that projects forward on its eastern side some 3.5 metres beyond the main front elevation of the house, and that has a cat-slide roof continuing the main front roof slope.
5. The proposed development would involve the erection of a single-storey front extension some 2 metres deep and 4 metres wide on the western side of the front elevation. It would have a hipped roof and 2 roof-lights on the front roof slope. It would match the existing house in terms of materials used.

6. The Council contends that the proposed extension, by reason of its design, scale and location on the principal elevation of the host property would be detrimental to the character and appearance of the host building, and that it would introduce an unsympathetic and incongruous form of development which would detract unduly from the character of the host building, the wider street scene along Broad Oak and wider local area.
7. The appellant contends that the new extension is small in comparison to the large scale of the dwelling, that it is located over an existing window, and that it has a roof pitch to match the cat slide roof of the garage. It is also set behind the line of the garage front wall. Moreover, the appellant notes that there are a number of front projections at houses along the road in the vicinity of the appeal property.
8. The proposed extension would have a depth of some 2 metres and would have a hipped roof, with roof-lights in the front roof slope. Whilst there are other houses with front projections in the vicinity, all appear to have mono-pitch roofs to match the roof style and shape of the main house. Moreover, most of these projections would appear to be of more modest depth.
9. In the light of the above, I consider that the extension as proposed would be of a scale and design that is unsympathetic to the host property and the surrounding area. The proposed hipped roof of the extension would be an incongruous feature and would be detrimental to the character and appearance of the host property.
10. I therefore find that the proposed extension would be harmful to the character and appearance of the wider street scene along this part of Broad Oak. On this basis, it would conflict with Policy D2 of the Council's Unitary Development Plan (UDP) which requires that development proposals do not prejudice visual amenity, and also with Policies B1, B2, BE13 and BE14 of the UDP, which relate to issues of design, including that new development should be in keeping with surrounding development, and that extensions to dwellings should respect the design features of the existing house and adjacent buildings, including roof styles.

J D Westbrook

INSPECTOR

Appeal Decision

Site visit made on 10 September 2018

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 September 2018

Appeal Ref: APP/Z4718/W/18/3196832

Birdsall and Armstrong, 80 Fitzwilliam Street, Huddersfield, HD1 5BB

- 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 Fong Bin Yong against the decision of Kirklees Metropolitan Council.
 - The application Ref 2017/62/93308/W, dated 21 September 2017, was refused by notice dated 1 February 2018.
 - The development proposed is the conversion of premises to 16 self-contained student apartments.
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Decision

1. The appeal is dismissed.

Preliminary matters

2. I saw at the site visit that much work to the building has already been carried out and is underway to convert the building into apartments. I have noted that permission and listed building consent was granted in 2015 for the conversion of the building to 34 bedsits and that a concurrent application for conversion to 16 apartments is pending. However I have determined this appeal on the basis of the plans submitted with this application.

Main issues

3. The main issues are the effect of the proposed development on:
 - the living conditions of the future occupiers of the building in terms of light, outlook and space;
 - the special architectural and historic interest of the listed building at 80 Fitzwilliam Street and the character and appearance of the Huddersfield Town Centre Conservation Area.

Reasons

Living conditions

4. The development plan includes policies BE1 and D2 of the Kirklees Unitary Development Plan (UDP) which seek to ensure good quality design and protect residential amenity. Those policies in accord with the Framework in respect of those matters. I have noted the Council's reference to policies in the Kirklees Publication Draft Local Plan with similar objectives but as this has not yet been adopted by the Council they cannot carry full weight in this appeal.

5. The proposed self-contained apartments would be provided at basement, ground floor and first floor levels. The building has a long, narrow plan form with windows only in the front and rear elevations. In the rear part of the building the outer walls of the apartments would be set in from the side walls of the building. All windows within those apartments would be internal and would look onto a corridor along the western side and a void along the eastern side of the building. The proposal includes the removal of a section of roof on the western side of the rear part of the building and replacement with glazing to create light wells allowing natural light to penetrate down from the top floor through opaque panels in the floor through to the rear part of the basement. Rooflights would be installed on the eastern side of the building for similar reasons. The outer walls would be painted a light colour and mirrors fitted to bounce light around. Light penetrating through the western side of the building would also have to pass through a small number of opaque blocks installed in the corridor at ground floor level. Every room in each of in the rear apartments would be dependent on light from those sources.
6. Whilst the windows in the front elevation would serve the apartments in the front part of the building, not all of the bedrooms and kitchens in the front basement and ground floor apartments would benefit from that light. Two bedrooms and a kitchen would have no window and another bedroom would have a window onto a shared corridor.
7. The lack of direct natural lighting would result in insufficient light to the six apartments in the rear part of the building at ground floor and basement levels and in the front part of the building to one of the apartments at basement level and the two apartments at ground floor level. The outlook from each of the rooms referred to earlier would also be extremely poor, onto either a shared corridor or a void with no external view. I see no reason why students should not expect a reasonable outlook and adequate natural lighting, particularly as they could reasonably expect to study from home.
8. I also share the Council's concerns with regard to the limited space within some of the apartments. Each apartment would comprise two en-suite bedrooms with a shared kitchen and living room. The Council says that some would be less than 50 sq m and two at ground floor level would be approximately 43 sq m. I note from the plans that two of the rear ground floor apartments would have space for a single bed and a desk but no wardrobe or drawers space. The lack of storage and circulation space within those apartments would therefore be unacceptable and would add to the harm experienced in terms of light and outlook.
9. I have noted that the previously permitted scheme was for 34 en-suite bedsits also looking onto an open void on both sides of the building lit by rooflights and communal dining/kitchen areas in a separate area of the building. Whilst the appellant accepts that in the current scheme the light to the basement would be slightly reduced as it would be through glass light wells, he says that the amount of light to the ground and first floor is the same as the previous approval and that the communal areas in that scheme had no windows. He considers that each of the proposed apartments would be adequately lit and lighter than any of the previously approved bedsits. However the Council says that in the previous scheme each bedsit would receive acceptable levels of light due to its small size. Having seen that much work to the building has already

been carried out to create apartments and given that the appellant maintains that the bedsits would be difficult to let it seems very unlikely that the previous scheme would be implemented and I have given it little weight as a fallback position in the determination of this appeal.

10. For the reasons given earlier, I conclude that the proposed scheme is of a poor standard of design that would result in cramped and gloomy conditions, causing significant harm to the living conditions of some of the future occupiers, contrary to UDP policies BE1 and D2.

Listed building and Conservation Area

11. In considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires that special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. Section 72 of the same Act requires that special attention shall be paid to the desirability of preserving or enhancing the character or appearance of Conservation Areas. Paragraph 193 of the National Planning Policy Framework 2018 (the Framework) states that when considering the impact of new development on the significance of a designated heritage asset, great weight should be given to its conservation. Paragraph 194 goes on to say that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification. Paragraph 196 requires that where the harm is less than substantial, it should be weighed against the public benefits of the proposal including, where appropriate, securing its optimal viable use.
12. I have noted the Council's reference to policy PLP35 in the emerging Kirklees Publication Draft Local Plan but as this has not yet been adopted by the Council it cannot carry full weight in this appeal.
13. 80 Fitzwilliam Street is a grade II listed building dating from the mid C19th which was built as a Freemasons' Hall. It has two storeys and is an imposing stone building which forms one of a row of stone buildings in the street and contributes positively to the character and appearance of the Huddersfield Town Centre Conservation Area (CA). It retains much of its original character both externally and internally. Its historical significance derives from its former use and its architectural significance from the imposing façade and both the layout and the detail of the interior (including much wood panelling and decorative detailing) which reflect its former use.
14. The Council's decision refers to less than substantial harm to the setting of the CA and the listed building. In this regard, the decision refers only to the layout of the residential accommodation and it is unclear to me how it considers this would harm the significance of the building and the CA. Although there would be some changes to the plan form of the building both horizontally and vertically, the Council's Conservation and Design Officer raised no objection to the proposal as he considered there is little difference between this scheme and the previously permitted scheme and that any changes would not affect the historic fabric. I agree that the most important features of the building would be retained and that it would still be possible to read the original form and layout of the building. As such, the significance of the building would be

unharmful and there is therefore no need to consider the public benefits of the proposal in this regard.

15. I conclude then that the proposed development would not harm the significance of the listed building or the Conservation Area and that it accords in this respect with the Framework.

Other matters and planning balance

16. The proposed scheme would secure the long term future and viability of this grade II listed building which has been largely unused for 12 years. It would also increase the amount of student housing at a time when the Council accepts it cannot demonstrate a five year housing supply. However, the Council considers the principle of conversion to be acceptable. In the absence of any detailed viability information and despite the constraints of the building, I see no reason why an acceptable scheme could not be achieved. Thus, whilst the future of the building and the provision of student accommodation are important considerations they do not outweigh the significant harm that I have identified above in terms of living conditions.

Conclusion

17. For these reasons and notwithstanding my findings in regard to the listed building, my findings in terms of living conditions are significant and overriding. I conclude that the proposed scheme would be contrary to the development plan as a whole and there are no material considerations that justify determining the appeal otherwise. The appeal should be dismissed.

Sarah Colebourne

Inspector



Appeal Decision

Site visit made on 31 July 2018

by W Johnson BA (Hons) DipTP DipUDR MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 October 2018

Appeal Ref: APP/Z4718/W/18/3200576

Upper Milshaw Farm, Milshaw Lane, Dick Edge Lane, near Hepworth, Holmfirth, HD9 7TG

- 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 Claire Whitaker and Ian Turner against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/93972/W, dated 30 October 2017, was refused by notice dated 16 April 2018.
 - The development proposed is the demolition of Farmhouse and Hall, erection of two new dwellings, link extension to farmhouse, amended window design and erection of two double garages (Amendment to Planning Consent 2017/90561)
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Decision

1. The appeal is dismissed.

Procedural Matters

2. At the time of my site visit, I saw that the development of the scheme had already started. I have dealt with the appeal on that basis.
3. The Revised National Planning Policy Framework (the Framework) was published in July 2018, after the appeal was lodged. Both main parties were given the opportunity to comment on any relevant implications for the appeal. I have had regard to the Revised Framework, and the subsequent comments submitted by the appellants on 27 July 2018, in reaching my decision.
4. The Council has referred to policies contained within the emerging Kirklees Local Plan which, although it is in the process of examination, has yet to be adopted by the Council. Consequently, the weight that I can attach to the policies contained within the emerging plan is limited and the statutory development plan for the purposes of the determination of this appeal remains as the Kirklees Unitary Development Plan (2007). However, I consider the policies relevant to this appeal to be broadly consistent with the Framework.

Main Issues

5. There is agreement between the appeal parties that the development amounts to inappropriate development inside the Green Belt and the replacement scheme causes loss in openness. The main area of disagreement from the reason for refusal are:

- The effect of the proposal on the character and appearance of the appeal site and surrounding area; and,
- Is the harm by reason of inappropriateness, and any other harm, clearly outweighed by other considerations and, if so, would this amount to the very special circumstances required to justify the development?

Reasons

Character and appearance

6. I have noted that the scheme subject of this appeal is the latest in a series of planning applications that have been granted, in particular 2016/92046 and 2017/90561. Both parties have brought to my attention that the appeal scheme differs only from the most recent approved application (2017/90561), by seeking to include in summary, 2 double garages, a link extension to the farmhouse, and amended design to the farmhouse including new window openings. I am mindful that the principle to develop the site has already been established by the grant of earlier planning applications.
7. The Council raise no objections, to any other elements of the scheme, which I too accept in this respect. Nonetheless, there is some concern about the revised fenestration details on Building 2. For example, the outrigger to Building 2, on its south and west facing elevations, would have large expanses of glazing, which face across the valley and towards the proposed new route of PROW 146.
8. I note that there are no neighbouring dwellings in the immediate vicinity. Additionally, whilst the scheme would occupy a prominent location at a raised level on the hillside, overlooking Cat Clough towards Sheffield Road (A616), in my view there would be a considerable distance maintained from any receptors in these locations. Nevertheless, PROW 146 would be located in proximity to the scheme and Building 2, in particular. Any member of the public accessing this footpath from the lower levels of the valley to adjoin PROW 134, would directly face the south-facing elevation of the outrigger, and would then have the ability to clearly view the facing west elevation, when approaching the stile to PROW 134.
9. Furthermore, the west elevation would again be clearly visible to anybody leaving PROW 134 to walk down PROW 146. I consider that when looking at both the south and west facing elevations of the outrigger on Building 2, from PROW 146, they would both appear very imposing. The prevailing local vernacular would appear to consist of buildings of traditional design, with a greater ratio of stone being used in facing elevations. A large proportion of Building 2 is traditional in design, and incorporates traditional features, such as mullioned windows. Whilst, there is no 'in principle' policy objection, against the inclusion of contemporary design features in new dwellings, I consider that the large expanse of glazing identified, does not complement the design of Building 2.
10. The areas of glazing would be completely out of scale with the host dwelling, appearing overly dominant as a result. The areas glazing on Building 2 would represent an incongruous feature that would unacceptably harm the character and appearance of the appeal site and the surrounding area. I note the appellants has sought to reduce the impact of the glazing in the west elevation

through the introduction of a truss style window to the opening, but I consider that this does not provide sufficient mitigation to overcome the harm identified.

11. It is noted that this diversion, has not been approved by the PROW Officer, although a formal application has been submitted by the appellants. There is obviously a clear desire by the appellants for it to be diverted in the proposed location. Additionally, due to the presence of the new retaining wall, it is unlikely that the original route would be reinstated.
12. For all of these reasons, I therefore conclude that the fenestration detailing, in particular the large areas of glazing on the south and west facing elevations on Building 2, would significantly harm the character and appearance of the appeal site and surrounding area. This would be contrary to Policy BE1 (i,ii), which requires development to create or retain a sense of local identity; be visually attractive, and Policy BE2(i), which requires new development to be in keeping with its surroundings of the Kirklees Unitary Development Plan (Revised) 2007. As a result, the proposal would also be contrary to paragraph 127 of the Framework, which amongst other things seeks to ensure that development is visually attractive as a result of good architecture.

Other considerations

13. The appellants refer to the extensive planning history on this site where residential development has been permitted in the past. In the absence of any evidence to the contrary, I consider that planning application 2017/90561 represents a genuine fallback position because works pursuant to that permission had started. This permission is a relevant consideration as there is a reasonable prospect of it being fully implemented should this appeal be dismissed. I attach significant weight to this matter.
14. The appellants have drawn my attention to a number of properties in the wider vicinity of the site where large expanses of glazing have been incorporated in residential development. No additional details have been provided regarding these schemes and no documentation has been provided regarding the Council's analysis of these schemes in relation to the effect on the character and appearance of the dwellings and surrounding area. Without this detailed information a comparison between these schemes and the case before me cannot be drawn and therefore little weight can be attributed to them in the determination of the appeal. In any event their presence does not have an appreciable bearing on the character or appearance of the context in which the site is viewed.
15. I have had regard to various other matters raised by the Northern Footpaths Society including, amongst other things, highway safety and the diversion of PROW 146. I note that the Council raises no objections in these respects, and little evidence has been provided to support this statement in the context of this appeal. However, these do not alter my conclusions on the main issues. I have considered this appeal on its own merits and concluded that it would be unacceptable for the reasons set out above.
16. The Council confirms that is not able to demonstrate a 5 year supply of deliverable housing sites. This represents a housing shortfall. Despite the deficiency in housing land supply, the presumption in favour of sustainable development, as set out in paragraph 11 of the Framework, does not apply

because specific policies relating to the Green Belt indicate development should be restricted in this case. However, it does still weigh in its favour.

Planning balance

17. The Framework states that substantial weight is given to any harm to the Green Belt. Very special circumstances will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm resulting from the proposal, is clearly outweighed by other considerations. There is harm by reason of inappropriateness and loss in openness to which substantial weight is given. Additional weight is given to my finding on character and appearance. Accordingly, there is conflict with local and national planning policy.
18. On the other side of the scales, I attach significant weight to the fallback position and I am cognisant of the planning history of the appeal site, but limited weight to the lack of housing land supply arguments. In my planning judgement, the advanced considerations in support of the proposal before me, whether taken individually or cumulatively, do not, on balance, clearly outweigh the identified harms. Very special circumstances do not exist.

Conclusion

19. For the reasons given above, and having regard to all other matters raised, the appeal should be dismissed.

Wayne Johnson

INSPECTOR



Appeal Decision

Site visit made on 28 August 2018

by **Caroline Mulloy BSc (Hons) DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 19 September 2018

Appeal Ref: APP/Z4718/W/18/3202530

Land at Ridings Lane, Golcar, Huddersfield

- 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 Tibbott against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/93315/W, dated 1 September 2016, was refused by notice dated 13 November 2017.
 - The development proposed is construction of new detached residential dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the submission of the appeal a revised National Planning Policy Framework (the Framework) was published in July 2018. The main parties have been consulted on the implications of the new Framework for the current appeal.

Main Issue

3. The main issue in this case is the effect of the proposal on the character and appearance of the Golcar Conservation Area and the area generally.

Reasons

4. The appeal site is situated close to the junction of Ridings Lane with Cliffe Ash and Small Lane. Ridings Lane is in two parts and the northern part of the lane runs along the top of the appeal site. The site is a steeply sloping area of open space which is heavily vegetated and contains a number of trees some of which are protected by a Tree Preservation Order (TPO). It lies within the Golcar Conservation Area (CA).
5. The Golcar Conservation Area Character Appraisal (CACA) states that the character of Golcar is derived largely from its location and setting. The village form is organic with limited formal planning. It is a largely closely knit hillside village of picturesque quality. Steep slopes, steps, and narrow lanes with homogenous vernacular stone architecture and stone retaining and boundary walls. The CACA goes on to say that tree coverage in Golcar is quintessential to its character. Panoramic views of the settlement reiterate the importance of the trees to the setting and character, creating extra interest, depth and character in the area. The natural landscape is a significant part of the

character and appearance of the area and plays an important role in the setting of the conservation area. Many of the streets and roads are lined with mature trees which are an important feature. On the basis of observations on my site visit, I agree with this assessment.

6. The south side of Ridings Lane is comprised of two to three storey, stone terraced properties which are built into the hill with the first floor of the dwellings being on a level with Ridings Lane. The ground floor of the properties are set at a lower level than the road situated behind a light well and enclosed by predominately metal railings.
7. The terrace faces onto a stone retaining wall of around 2m which encloses the appeal site. The appeal site forms a significant area of open space which contains many of the attendant characteristics of the CA including steep slopes, stone retaining walls and mature trees. In my view, the open space and trees provide relief from the built development and make a significant contribution to the character and appearance of the CA.
8. It is proposed to erect a two to three-storey, split level detached dwelling faced in natural stone with interlocking grey roof tiles. Access would be taken from Ridings Lane adjacent to the junction with Cliffe Ash. Due to the sloped nature of the land excavations and the erection of retaining structures are proposed. The tallest retaining structure to the rear of the site would be around 6m. It is proposed to remove 24 trees in order to facilitate the development. Planting is proposed along the boundary with Ridings Lane.
9. I acknowledge that the proposed dwelling has been designed so as to attempt to reflect the terraced properties opposite in terms of the use of stone and the fenestration pattern. However, the stone quoins would not reflect the more simple appearance of the terraces. In addition, the concrete roof tiles would fail to reflect the natural slate of the terrace opposite; however, a more appropriate roof tile could have been requested by condition, had I decided to allow the appeal. Furthermore, the proposed dwelling would be situated significantly higher than the terraced properties opposite and would stand in an isolated position in contrast to the predominant pattern of development of small, linear plots.
10. Whilst I noted that the area was hilly, most development has taken into account the topography and hence retaining walls are not a regular feature of the area. Due to the sloping nature of the land, significant retaining structures are proposed which would introduce an incongruous feature. The dwelling and retaining structures would be visible above the existing development in long distance views from across the valley.
11. Moreover, the proposal would result in the loss of 24 trees some of which are protected by a TPO. The TPO identifies 9 semi-mature and mature Sycamores within Group 1 growing as a linear feature on land opposite the rear of 14-28 West End Road. An Arboricultural Report, Arboricultural Impact Assessment and Tree Planting Scheme (AIA) has been prepared in order to support the application/appeal. Thirteen trees will need to be removed in order to facilitate the construction of the dwelling and to open up useable garden space, eight of which are sycamores which are protected by the TPO. It goes on to say that all trees to be removed to facilitate the development are considered to have a limited long term future due to the defects noted in the report.

12. I have considered the evidence in the AIA and noted the presence of stem junctions on the twin/multi-stemmed trees on my site visit. The significant amount of vegetation restricted detailed inspection of the trees to a degree. However, the presence of weakened stem junctions is not in itself a justification for removal. The degree of weakness would be dependent upon the type of junction and reduction works can also help to elongate the life of such trees.
13. I note that all of the trees on the appeal site have been classed as being of low amenity value. However, I consider that some of the larger trees have significant amenity value in their own right. Furthermore, the trees identified as having a life span of 10+ years would make a significant contribution to the character and appearance of the CA during this time and may well last longer. Moreover, in my view the trees taken together as a group make a significant contribution to the character and appearance of the Conservation Area. Consequently, I consider that overall the group of trees has high amenity value.
14. Taking these factors in combination, the proposal would be an incongruous addition at odds with the predominant form of development and would result in the loss of a significant area of open space and semi-mature trees subject to a Tree Preservation Order. The proposal would, therefore, fail to preserve the character and appearance of the Conservation Area, although the harm would be less than substantial and I consider this matter further in my conclusion.
15. It is proposed to plant 20 standard size trees including native species such as English Oak, Silver Birch and Rowan. However, I note the replacement trees would be planted very close to the existing trees which would prevent the new trees establishing to maturity. Furthermore, the replacement planting would inevitably take time to establish. Consequently, I only place limited weight on the proposed replacement planting.
16. For the reasons stated, the proposal would fail to preserve the character and appearance of the Golcar Conservation Area and harm the character and appearance of the area generally. It would, therefore, be contrary to saved Policies D2, BE1, BE2 of the Kirklees Unitary Development Plan (UDP) which collectively seek, amongst other things, to ensure that development is of a good quality design which is visually attractive and which does not prejudice the character of the surroundings. Conflict also arises with saved Policy BE5 of the UDP which requires new development within conservation area to respect the architectural qualities of surrounding buildings and contribute to the preservation or enhancement of the character or appearance of the area.
17. Furthermore, there is also conflict with saved Policy NE9 of the UDP which states that development proposals should normally retain any mature trees within an application site.
18. Conflict also arises with draft Policies PLP 24, PLP33 and PLP 35 of the Publication Draft Local Plan (PDLP) which collectively seek to ensure that development proposals achieve good design which respects and enhances the character of the townscape, retain valuable and important trees and conserve the significance of Conservation Areas. As the PDLP is not yet adopted full weight cannot be afforded to the policies. Nevertheless, the conflict with these Policies weighs against the proposal.

Other matters

19. Although limited evidence is before me in relation to housing land supply, the Council acknowledge that it cannot demonstrate a five year supply of housing land. Paragraph 59 of the Framework seeks to significantly boost the supply of homes. The proposal would make a contribution, albeit limited, to housing land supply. The proposal may also contribute in the short term to the local economy during the construction phase and in the longer term as future occupiers utilise local businesses and services.
20. However, Paragraph 124 of the Framework states that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Paragraph 127 goes onto say that developments should be visually attractive and sympathetic to the local character and history. Furthermore, paragraph 193 states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 196 goes onto say that there a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal including, where appropriate, securing its optimum viable use.

Conclusion

21. I have found that the proposal would fail to preserve or enhance the character and appearance of the Golcar Conservation Area and harm the character and appearance of the area generally. The proposal would have some benefits referred to in paragraph 19 above; however, in heritage terms, I do not consider that they would outweigh the less than substantial harm to the Golcar Conservation Area. In the overall planning balance, the harm which I have identified would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.
22. Consequently, for the reasons stated and taking all other matters into consideration, I conclude that the appeal should be dismissed.

Caroline Mulloy

Inspector