



Appeal Decision

Site visit made on 28 January 2020

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 05 February 2020

Appeal Ref: APP/Z4718/D/19/3240995

53 Cobcroft Road, Fartown, Huddersfield HD1 6EX

- 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 Zulfiqar Ahmed against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/92861/W, received by the Council on 30 August 2019, was refused by notice dated 23 October 2019.
 - The development proposed is a two storey side extension (modified proposal).
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension (modified proposal) at 53 Cobcroft Road, Fartown, Huddersfield HD1 6EX in accordance with the terms of the application Ref 2019/62/92861/W, received by the Council on 30 August 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 approved plans: Drg Nos. 1903.1; 1903.2; 1903.3; 1903.4; 1903.5; 1903.6; 1903.7; 1903.8; and 1903.9B.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application which accurately describes the proposal.

Main Issue

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

Reasons

4. The appeal property is a 2-storey terrace house at the end of a short row of houses along Cobcroft Road. The terrace extends around the corner onto Bradford Road, a busy road comprising of both residential and commercial properties. Within this terrace group, there is variation in the frontage appearance of the properties. The terrace group are separated from other properties on that side of Cobcroft Road by an area of open space containing a cycleway.
5. Policy LP24 of the Kirklees Local Plan Strategy and Policies (LP) document adopted 2019 requires, amongst other things, that extensions are subservient to the original building and are in keeping with the existing buildings in terms of scale, materials and details.
6. The Council is critical of the proposal because it considers that the side extension would not be subservient to the property in light of the requirements of Policy LP24. However, it seems to me that development proposals should each be assessed in the light of their own particular circumstances, which can vary from site to site.
7. In this instance the extension would be viewed in the street scene as part of the terrace group and not in isolation with the appeal property. The proposed external materials would match those of the existing dwelling and the style of fenestration would be consistent with the rest of the property. In my view, due to the variety in the frontage of this short section of terrace properties in Cobcroft Road, there would not be harm in having a suitably designed large extension at the end of this terrace.
8. The garden space at the end of the terrace is of no particular benefit to the street scene as the presence of the open space along the cycleway gives this part of the street an open spacious character. Moreover, the remaining garden space, would ensure that the proposal would not appear over developed within the street.
9. Accordingly, although the proposal may not appear subservient to the host property, it would be in keeping with the intrinsic character and general appearance of the existing dwelling and others in the terrace group. As such, I do not share the Council's concerns that it would be detrimental to the visual amenity, street scene and character of the area.
10. Overall, I conclude that the proposed development would be in keeping with the character and appearance of the area. Accordingly, it would comply with the objectives of Policy LP24 of the LP in seeking to promote good design. Policy LP24 is consistent with the provisions of the National Planning Policy Framework (the Framework). I therefore conclude that the proposal would comply with paragraphs 127 and 130 of the Framework which broadly seek to secure high quality design.

Conditions

11. In addition to the standard time limit condition, I have imposed a condition specifying the relevant drawings and to require that the development is carried out in accordance with them as this provides certainty. To ensure the satisfactory appearance of the development, a condition is attached to require that the external materials match those of the existing building, as proposed.

Conclusion

12. For the reasons set out above and having regard to all matters raised, I conclude that the appeal should be allowed.

Robert Walker

INSPECTOR



Appeal Decision

Site visit made on 3 December 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 3 February 2020

Appeal Ref: APP/Z4718/W/19/3233349 Corby, Birkby Road, Huddersfield HD2 2DR

- 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 Armitage Developments UK Ltd. against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/62/93326/W, dated 8 October 2018, was refused by notice dated 7 June 2019.
 - The development proposed is demolition of existing dwelling and erection of 6 detached dwellings with integral garages.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The name of the applicant as stated on the application for planning permission is Armitage Developments UK Ltd, whereas the name of the appellant as stated on the appeal form is Mr S Armitage. It has been confirmed by Mr Armitage that, as Director of Armitage Developments UK Ltd, he consents for the appeal to be in his company's name. I have therefore determined the appeal on this basis.
3. During the determination of the application the proposed development was revised and the description changed to 'demolition of existing dwelling and erection of 5 detached dwellings with garages.' I have therefore determined the appeal on this basis.

Main Issues

4. The main issues are:
 - The effect of the proposed development on the character and appearance of the surrounding area; and
 - The effect of the proposed development on the living conditions of the occupants of adjacent properties on Inglewood Avenue, with regard to outlook, and whether the proposed development would provide acceptable living conditions for future occupants, with regard to outlook.

Reasons

Character and appearance

5. The appeal site comprises a substantial, two storey, detached dwelling, set back from Birkby Road and situated within a large landscaped garden containing mature trees, some of which are protected by a Tree Preservation Order (TPO). The appeal site is bounded to the front by a high stone wall and a wrought iron gate, and to the sides and rear by a variety of wooden fences. Access into the site is direct from Birkby Road.
6. The immediately surrounding area is predominantly characterised by low to medium density, relatively modern, residential development of large, two storey, detached properties set back from the highways within large plots, many with mature landscaping. Although there are variations in the size, scale, form and design of the dwellings, they possess some unifying features, such as projecting gables to the front, and use a similar palette of materials of stone with tile or slate roofs, which give a degree of visual harmony to the street scene. These elements combine to give the area a relatively formal character, but with a pleasing spacious and verdant appearance.
7. The proposed development comprises the demolition of the existing building on the site and the erection of five, two storey, five-bedroom, detached dwellings with garages. Plot 1 would be accessed direct from Birkby Road, whilst the other plots would be accessed via a private drive within the site. The dwellings would be faced in coursed natural stone with blue slate roofs.
8. Policy LP24(a) of the Kirklees Local Plan adopted February 2019 (KLP) promotes good design by seeking to ensure that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.
9. The Council has raised no issues regarding the proposed demolition of the existing building and the principle of housing development on the appeal site. Given that the existing building is not identified as being of national or local special architectural or historic interest, and that the site is, as described by the Council, unallocated land and partly brownfield land, I have no reason to disagree.
10. In addition, it is not disputed between the main parties that, in general, the detached form, design and materials of the proposed dwellings are in keeping with properties in the surrounding area. Taking into account the characteristics of development within the area, as identified above, I agree with this assessment.
11. The proposed development would introduce five substantial dwellings into the appeal site. The appellant asserts that the density of the proposed development would be 14.16 units per hectare¹ and the average built footprint to curtilage ratio of the proposed dwellings would be approximately 27%.
12. I acknowledge that the density of the proposed development would be similar to, or below that of, other developments in the surrounding area, such as plots 30-40 Inglewood Avenue (Inglewood Ave) and properties on the eastern side of

¹ Drawing Ref: 18D44-FBA-ZZ-XX-DR-A-9901-P02, Density Comparison Plan.

Prince Wood Lane, and that some of the adjacent properties on Inglewood Ave have similar built footprint to curtilage ratios.

13. However, it is noticeable that there are other developments nearby, such as Birchwood Close and on the western side of Prince Wood Lane that are of lower density per hectare and appear to be of a lower built footprint to curtilage ratio. In these respects the proposed development would not be fully in keeping with the spatial characteristics and pattern of development of the surrounding area, particularly the large curtilages to properties.
14. Moreover, even though it is contended by the appellant, that the proposed development would cover only 23% of the developable area of the site and that the bulk, scale, and massing of the proposed dwellings would be in keeping with the scale of buildings elsewhere in the area, I consider that, on balance, the number of proposed dwellings combined with their substantial size, scale and massing in relation to both the site and the plot sizes would cause them to appear cramped and inharmonious in relation to the nature and form of development within the surrounding area as a whole. The result would be dwellings which would not fully relate to, or integrate with, their context and, as such, would harm the character and appearance of the surrounding area.
15. I have had regard to the fact that Policy LP7 of the KLP includes a desired target density of 35 dwellings per hectare and that, in this respect, the proposed development would constitute a shortfall of this target. Furthermore, I am aware that Paragraph 122 of the National Planning Policy Framework (Framework) states that planning policies and decisions should support development that makes efficient use of land. However, these provisions within the KLP and the Framework both need to have regard to, amongst other factors, the surrounding area's prevailing character and appearance.
16. I am aware that the original scheme was revised in an attempt to address comments made by the Council regarding concerns about the impact of the proposed development on the character and appearance of the area. This included reducing the number of proposed plots from six to five, ensuring a minimum of 3 metres (m) between each plot, changes to plot layout and elevational treatment and amendments to the boundary wall treatments. However, these amendments are not sufficient to overcome the fundamental objections to the proposed development in relation to this main issue.
17. Accordingly, I conclude that the proposed development would have a harmful effect on the character and appearance of the surrounding area. As such, it would conflict with Policy LP24(a) of the KLP referred to above. It would also not be consistent with the objectives of Paragraph 127 of the Framework, which require development to be sympathetic to local character.
18. Although not referred to in its reasons for refusal relating to this main issue, the Council also considers that the proposed development would not comply with the National Design Guide² (NDG) which forms part of the Government's collection of planning practice guidance. Taking into account the guidance in the NDG regarding the characteristics of context, identity and built form, I concur with this conclusion.

² National Design Guide, Ministry of Housing, Communities & Local Government, October 2019.

Living conditions

19. Policy LP24(b) of the KLP seeks to ensure that developments provide a high standard of amenity for future and neighbouring occupiers, including maintaining appropriate distances between buildings.
20. No concerns have been raised by the Council in relation to any impact on the living conditions of the occupants of residential properties to the north, east or west of the appeal site, and given the separation distances, level differences and/or treatment of any facing windows, I have no reason to disagree.
21. The proposed dwellings in plots 3, 4 and 5 would be adjacent to the rear elevations of Nos 18, 36, 42, 44 and 46 Inglewood Ave (Nos 18, 36, 42, 44 and 46). From my observations on site, Nos 42, 44 and 46 sit in a slightly elevated position above the appeal site with their outdoor amenity space sloping down towards the south western boundary of the appeal site. At present there is a low post and rail picket fence allowing clear views from the rear elevations and outdoor amenity spaces of these properties into the appeal site. Nos 36 and 18 appear to sit level with and slightly below the appeal site respectively, and vegetation currently provides some screening between these properties and the appeal site.
22. I acknowledge that the total separation distances, as stated by the Council, between the proposed dwellings and the adjacent properties on Inglewood Ave would be reasonable, and that the variation in levels and the fact that the properties would not be directly facing each other, would lessen the impact on the living conditions of the occupants of these properties, with regard to outlook, to some degree.
23. However, I consider that the separation distances between the proposed dwellings in plots 3, 4 and 5 and the adjacent properties on Inglewood Ave and from the proposed dwellings to the shared boundary, would not, with reference to Policy LP24(b), be appropriate given the context of the appeal site. This, combined with the substantial size, scale and massing of the proposed dwellings, would cause them to appear dominant and overbearing, principally when viewed from the rear outdoor amenity space, but also to some extent, when viewed from the rear habitable rooms of the adjacent properties on Inglewood Ave. This would diminish the outlook of the occupants of the adjacent properties on Inglewood Ave.
24. Furthermore, this relatively close proximity of the proposed dwellings in plots 3, 4 and 5 to the adjacent properties on Inglewood Ave, would conversely cause the adjacent properties on Inglewood Ave, particularly those in elevated positions, to appear dominant and overbearing, principally when viewed from the rear outdoor amenity space but also to some extent, when viewed from the rear habitable rooms of the proposed dwellings. This would feel oppressive and lessen the outlook of the future occupants of the proposed dwellings.
25. I am aware that the proposed development includes the erection of a 3m high, close boarded, timber fence along with mature vegetation to the south western boundary of the appeal site, which the appellant states, can be the subject of a condition not allowing its removal. However, given the height and form of the proposed fence I consider that it would add to the sense of enclosure felt by the future occupants of the proposed dwellings and reduce their outlook even further.

26. I have had regard to the fact that the appellant amended the original scheme in an attempt to alleviate the impact of the proposed development on the living conditions of the occupants of adjacent properties on Inglewood Ave and future occupants of the proposed dwellings. However, these amendments are not sufficient to overcome the overriding concerns regarding the proposed development in relation to this main issue.
27. Taking the above into account, I conclude that the proposed development would have a harmful effect on the living conditions of the occupants of adjacent properties on Inglewood Ave, with regard to outlook and that it would not provide acceptable living conditions for future occupants, with regard to outlook. As such, it would conflict with Policy LP24(b) of the KLP referred to above. It would also not comply with the objective of Paragraph 127 of the Framework, which requires development to have a high standard of amenity for existing and future users.
28. Although not referred to in its reasons for refusal relating to this main issue, the Council also considers that the proposed development fails to accord with the NDG. Having regard to the guidance within the NDG relating to the characteristic of homes and buildings, I agree with this assertion.

Planning Balance

29. I have concluded that the proposed development would have a harmful effect on the character and appearance of the surrounding area. I have also concluded that it would have a harmful effect on the living conditions of the occupants of adjacent properties on Inglewood Ave, with regard to outlook, and that it would not provide acceptable living conditions for future occupants, with regard to outlook. In this regard, it would conflict with Policies LP24(a) and LP24(b) of the KLP. I give this conflict with the development plan, and the harm that arises from it, substantial weight.
30. The proposed development would provide five new family dwellings in an accessible location within an established residential area. There would be some economic and social benefits derived from their construction and occupation. Therefore, these carry moderate weight in its favour. However, in my view, the adverse effect of the proposed development on the character and appearance of the surrounding area and in relation to the living conditions of the occupants of adjacent properties on Inglewood Ave and future occupants of the proposed dwellings, would significantly and demonstrably outweigh the benefits, when assessed against the policies in the Framework taken as a whole.

Other Matters

31. I have had regard to the fact that the appeal property is located just outside the boundary of the Edgerton Conservation Area (ECA) and given consideration to any impact of the proposed development on the setting and significance of this designated heritage asset. The ECA is mainly characterised by large, detached, Victorian properties, set in generous grounds with mature landscaping and strong boundary treatment in the form of stone walls, which separate the buildings from the public highways. At the outer edges and within the immediate setting of the ECA the pattern and character of development changes to mainly that of early twentieth century developments.

32. Taking into account the form, design and materials of the proposed development, I consider that it would not have a detrimental impact on the setting of, or key views into or out of, the ECA and, therefore, would not harm the setting or significance of this designated heritage asset. As such, it would not conflict with provisions within the Framework which seek to protect the significance of designated heritage assets. However, the lack of harm in this regard weighs neutrally and does not amount to a consideration in support of the appeal.
33. I am aware that, subject to the imposition of appropriate conditions, no technical objections were raised by, the Lead Local Flood Authority, Highways, the Tree Officer and the Bio-diversity Officer, and that the Council's Conservation and Design Officer raised no concerns about the proposal. Nevertheless, these are neutral considerations in the planning balance and they do not alter or outweigh my conclusion on the main issues.
34. I note that the appellant has no objection to the imposition of any conditions deemed necessary. However, this would not overcome the identified harm to the character and appearance of the area or the living conditions of adjacent neighbours or future occupants, with regard to outlook.
35. The appellant has referred to other developments in the surrounding area, and highlighted their comparative densities and built footprint to curtilage ratios. However, I am not aware of the detailed circumstances of these developments, and in any event, I have determined the appeal before me on its own planning merits.
36. I have noted that there are inconsistencies on the drawings that were submitted with the application between the Site Layout and the Plans and Elevations for the proposed dwellings of plots 1 and 3³. It is imperative that plans are accurate to avoid uncertainty about what is proposed. However, I have been able to reach a judgement on the proposed development and, as I am dismissing the appeal, it has not been necessary for me to consider the accuracy of the plans any further.
37. I note that the details of the TPO⁴ submitted by the Council as part of the appeal relates to 400 Birkby Road and not the appeal site. However, I have been able to reach a judgement on the proposed development and, as I am dismissing the appeal, it has not been necessary for me to consider this matter any further.
38. None of the other matters raised, individually or collectively, outweigh or overcome my conclusions on the main issues.

Conclusion

39. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR

³ Drawings Site Layout Ref: 18D44-FBA-ZZ-XX-DR-A-0701-P06, Plot 1 Plans and Elevations Ref: 18D44-FBA-ZZ-XX-DR-A-0708-P01 and Plot 3 Plans and Elevations Ref: 18D44-FBA-ZZ-XX-DR-A-0710-P02.
⁴ Tree Preservation Order No 14 1982- 400 Birkby Road, Huddersfield.



Appeal Decision

Site visit made on 7 January 2020

by **E Maund BA (Hons) MSc Dip UP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12th February 2020

Appeal Ref: APP/Z4718/W/19/3235299

27 King Street, Huddersfield, HD1 2PZ

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant approval required under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015.
 - The appeal is made by Infocus Public Networks Limited against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/91613, dated 15 May 2019, was refused by notice dated 8 July 2019.
 - The development proposed is the installation of a Communication Hub.
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Decision

1. The appeal is dismissed.

Background and Preliminary Matters

2. In the interests of clarity and precision I have amended the description of development from that presented on the appeal form to that described by the Council in its report.
3. As an electronic communications code operator, the appellant benefits from deemed planning permission for development for the purpose 'of the operator's electronic communication network' under Schedule 2, Part 16, Class A of the Town and Country Planning (General Permitted Development) Order 2015 (GPDO), subject to prior approval by the local planning authority of siting and appearance. The provisions of the GPDO require the local planning authority to assess the proposed development solely upon the basis of its siting and appearance, taking into account any representations received. The appellant applied to the Council on that basis.
4. As the principle of development is established, considerations such as need for the hub are not a relevant matter. The Council determined that prior approval was required and refused. Accordingly, the main issue is set out below.

Main Issue

5. The main issue in this case is the effect of the siting and appearance of the development on the character and appearance of the surrounding area, including the effect of the proposal on the setting of the adjacent Huddersfield Town Centre Conservation Area (HTCA).

Reasons

6. The principle of development is established by the GPDO and the provisions of Schedule 2, Part 16, Class A of the GPDO do not require regard to be had to the development plan. I have taken account of the policies of the development plan and the Framework only in so far as they are a material consideration relevant to matters of siting and appearance. Those relevant are policies LP21, LP24(a), LP35 of the Kirklees Local Plan February 2019, which taken together are concerned with the effect of development on the appearance, highway safety and environment of Kirklees.
7. Paragraphs 91 and 92 of the Framework seek street layouts that allow for easy pedestrian and cycle connections, are safe and accessible, have the use of clear and legible pedestrian routes with layouts that encourage walking, and which plan positively for the shared use of public space. Paragraph 112 supports the development of communications infrastructure noting "*it is essential for economic growth and social well-being.*" However, the Framework also refers to appropriate design, character and appearance and pedestrian movement in paragraph 127 seeking to ensure amongst other things that developments add to the quality of the area, are visually attractive, are sympathetic to the local character, establish a strong sense of place and create accessible places.
8. The hub is designed as a free-standing structure 2.6m high and 1.3m wide, with a total depth of 0.9m including the glass canopy. It would comprise of a mild steel casing, powder coated in metal chain grey with a glass canopy with solar panel on the roof. This would incorporate both a telephone, LCD touch screen and other means of electronic communications.
9. The site of the proposed hub is on part of the pedestrianised street outside of no. 27 King Street close to the meeting point of the access to the Piazza covered shopping area. I note from the appeal questionnaire and supporting documentation that the site is outside of the HTCA. The HTCA is immediately to the north east of the site and I have a statutory duty to have special regard to the desirability of preserving or enhancing the character or appearance of a conservation area.
10. The hub would be sited just to the south of a street lighting column. During my visit I noted that in this section of the street there is a mixture of other street furniture including benches, lamp standards, pedestrian and traffic signs, telephone kiosks, an ATM machine as well as small utility service boxes, consequently I share the concern identified by the Council that the addition of the kiosk would add to the cluttered appearance of this part of the street adversely affecting its character and appearance.
11. Despite the simple design and glass canopy reducing the visual appearance of the proposed hub the proposal would be readily viewable along the street when approaching from both directions along King Street. Whilst the effect would be confined to the immediate surroundings of the site and consequently would not harm the setting of the HTCA as a whole, the proposal would harm the character and appearance of the street by adding to the proliferation of the street furniture in the area.
12. Therefore, I consider that the siting and appearance of the development would harm the character and appearance of the surrounding area.

Other Matters

13. The proposed hub would utilise a solar panel and has been designed to limit the potential for crime and allow easy wheelchair access.
14. However, these benefits would not outweigh or prevent the harm identified in relation to the main issue.

Conclusion

15. For the reasons given above and having taken all matters raised into account, I conclude that the appeal should be dismissed.

Edwin Maund

INSPECTOR



Appeal Decisions

Site visit made on 10 January 2020

by J Somers BSocSci (Planning) MA (HEC) MRTPI IHBC

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

Decision date: 24th January 2020

Appeal A: APP/Z4718/D/19/3236461

4 Jim Hill, Chain Road, Slaithwaite, Huddersfield HD7 5TY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (TCPA) against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs J Housley against the decision of Kirklees Council.
 - The application Ref 2019/62/90664/W, dated 2 March 2019, was refused by notice dated 17 June 2019.
 - The development proposed is the removal of existing catslide roof, raising of eaves level and construction of pitched roof to allow the lifting of internal floor levels, construction of green oak timber framed extension with dormer window in roof.
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Appeal B: APP/Z4718/Y/19/3236478

4 Jim Hill, Chain Road, Slaithwaite, Huddersfield HD7 5TY

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCA) against a refusal to grant listed building consent.
 - The appeal is made by Mr and Mrs J Housley against the decision of Kirklees Council.
 - The application Ref 2019/62/90665/W, dated 2 March 2019, was refused by notice dated 17 June 2019.
 - The works proposed is the removal of existing catslide roof, raising of eaves level and construction of pitched roof to allow the lifting of internal floor levels, construction of green oak timber framed extension with dormer window in roof.
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Decisions

Appeal A:

1. The appeal is dismissed.

Appeal B:

2. The appeal is dismissed.

Preliminary Matters

3. This decision deals with a planning appeal under s78 of the TCPA (Appeal A) and a listed building consent appeal under s20 of the PLBCA (Appeal B). Whilst both appeals are to be considered under these separate processes, to avoid repetition and for the avoidance of doubt, I have dealt with both decisions within this single letter.
4. The applications were made on a single application form and the description of the proposals is thus the same for both. Planning permission is not required for internal alterations such as the lifting of the floor levels so 'internal alterations' has been omitted from the decision on Appeal A.

5. During the course of the appeal, the appellant in their Statement of Case (SoC) submitted Appendix B which has a further option that changes the design of the proposed dormer to the rear from a pitched and gabled roof to a catslide roof. Whilst the appellant does not specifically request that I consider this plan shown in Appendix B as an amendment to the scheme which would supersede previously refused plans, the SoC implies that I consider this additional option as part of the appeals.
6. In general the appeal process is not the appropriate place to evolve the scheme; and the scheme that is considered at appeal ought to be the same one that was considered by the Council. There is no evidence that this further option formed part of the scheme that the Council made its decision on, or that this option was subject to any form of consultation. In accordance with the 'Wheatcroft Principles,¹' it would not be appropriate to consider this additional option in Appendix B within my decision as the acceptance of such would deprive those who should have been consulted on the changed development or the opportunity of such consultation. I will therefore base my decision solely upon the plans that were assessed by the Council during the original planning determination.

Main Issue – Both Appeals

7. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt having regard to the National Planning Policy Framework (the Framework) and any relevant development plan policies;
 - The effect of the proposed development on the openness of the Green Belt;
 - Whether the proposed development and works preserve the architectural and historic interest of the Grade II listed building known as 'Nos 3-4 Jim Hill,' and whether the proposals preserve the setting or any features of special architectural or historic interest which the building possesses; and
 - Whether the harm by reason of inappropriateness, and any other harm, would be clearly outweighed by other considerations. If so, would this amount to the very special circumstances required to justify the proposal.

Reasons – Both Appeals

Site Description

8. The appeal site appears to have once been a barn/farmhouse which has been subdivided to form two dwellings. The building is positioned alongside another agricultural building, all of which are situated in a relatively remote location within the countryside as part of a group of four dwellings. All of the buildings are grade II listed and now are utilised as residential dwellings. The buildings date from the late eighteenth to early nineteenth century with the original components of the building having a historic catslide roofed extension to the rear. The appeal site contains a late twentieth century two storey side extension along with a small detached outbuilding to the rear. The topography of the area is steep with the land falling from the neighbouring buildings to the appeal site. Beyond the appeal site there are long ranging views across the

¹ Bernard Wheatcroft Ltd v SSE [JPL 1982 P37]

open countryside with the side façade of the appeal dwelling being elevated and prominent within the surrounding landscape.

Whether the proposal is inappropriate

9. Paragraph 145 of the Framework states that the construction of new buildings within the Green Belt should be regarded as inappropriate, unless the development falls within certain listed exceptions. The relevant exception which is sought to be applied to the appeal site under paragraph 145 of the Framework is (c) *'the extension or alteration of a building provided that it does not result in disproportionate additions over and above the size of the original building.'*
10. I note Policy LP57 of the Kirklees Local Plan Strategy and Policies, February 2019 (LP) gives further guidance and criteria on the extension, alteration or replacement of existing buildings in the Green Belt. The policy states that extensions would be generally appropriate where the original building's scale and character is taken into account and remains the dominant element; the cumulative impact of previous extensions is taken into account; and that the proposal does not result in greater impact towards the openness; and that it does not materially detract from its green belt setting.
11. According to the Council's calculations, the proposed extension when combined with the recently constructed two storey extension would represent an increase of volume by approximately 48%. Whilst I appreciate that there is a small outbuilding in the location of the proposed extension, the combined height, design and massing of the resultant extension would present as a discordant addition with a dormer window and massing which would be over-complicated when compared with the simple and functional nature of the historic building. When combined with the existing recently constructed extension the proposal would be significant in size, massing and visual bulk and would represent a disproportionate addition.
12. In considering the proposal against LP Policy LP57, the development of the appeal site would not constitute a proportionate extension or alteration of a building. As such, there is a significant conflict between the proposal and the exceptions specified by LP Policy LP57, and the Framework.
13. Consequently, in accordance with Paragraph 145 of the Framework, I find that the proposal would be 'inappropriate development' in the Green Belt. I therefore attach substantial weight to the harm arising due to the inappropriate nature of the appeal development.

Openness

14. Whilst there is no definition of 'openness' in the Framework, in the Green Belt context, it is generally held to refer to freedom from, or the absence of, development. Openness has also been shown to have both spatial and visual dimensions. In this particular case the appeal site is experienced as a traditional and functional building within the greater landscape, with an elevated position when seen within the surrounding countryside. The harm caused to the openness is related more towards the visual dimension in that the scheme would increase the visual bulk and overcomplicate the functional design with the addition of the proposed dormer window. This type of extension

is uncharacteristic for this particular group of buildings and would accentuate the massing and scale of the building to an unacceptable degree.

15. Paragraph 133 of the Framework states that 'the fundamental aim of the Green Belt is to prevent urban sprawl by keeping land permanently open; the essential characteristics of Green Belt are their openness and their permanence.' As a result, the scheme would further erode the open aspect currently experienced and introduce alterations in the form of built form which would further erode the aims of the Green Belt. The proposed extension, when combined with the previous extension, would be a material addition to the amount of built development on the site, which would have a detrimental effect upon the openness of the Green Belt in this location. This additional effect of the development on the openness of the site, and on the Green Belt, adds to the harm already caused by reason of its inappropriateness.

Listed Building considerations

16. Sections 16 (2) and 66 of the PLCBA prescribes a duty upon a decision maker to give special regard to the desirability of preserving a listed building and any features of architectural or historic interest it possesses, including its setting.
17. The appeal property is a Grade II listed building along with Nos 1, 2 and 3 Jim Hill located adjacent to and adjoining the dwelling. The appeal site is two storeys tall and is constructed of stone with a pitched stone roof. The significance of the appeal building predominantly concerns the remaining historic fabric, the simple and functional construction, the quality of the materials and craftsmanship and how they relate to the former form and function of a group of largely unaltered agricultural buildings. These buildings are experienced together as a historic farmstead and are valuable in allowing an understanding of the various agricultural operations, functions and relationships between the land and associated buildings. Additionally, the setting of the appeal site is quite large given its elevated and prominent position and appearance within the wider landscape.
18. The proposed extensions would remove the existing outbuilding and infill the space with an extension which would carry on the pitch of the roof from the existing extension in a catslide style and include a pitched and gabled dormer window that would project from just beneath the ridge of the roof to the eaves of the roof. Other alterations would include the raising of the existing catslide roof to the rear of the historic building and changing floor levels and windows to allow an even floor across the existing and new floor levels. Materials stated in the original application form comprise matching materials for the roof, and re-use of uPVC windows, whereby the Council state these existing windows do not have consent.
19. The Council agree that the changing of floors internally would be appropriate, with the main concern arising from the raising of the existing catslide roof and the proposed new extension with dormer window. The appellant has submitted an example of precedent in Appendix A within the SoC where two brick dormer windows were installed and considered acceptable as part of a nearby barn conversion. The SoC does not make it clear how comparable the decisions are, such as whether this barn is also a listed building or whether its dormer roof extension has similar effects towards Green Belt considerations. As such I am not convinced that the considerations of this nearby scheme are analogous to the appeal site and afford this example limited weight.

20. The proposed extension when combined with the existing two storey extension adds considerable massing and visual bulk, and would not be subservient to the historic building. The dormer window in particular would add unnecessary complication to the roof form which would increase its status when considered against the more traditional and functional form of the historic building. The design when taken as a whole would compete with and detract from the significance of the historic building and their surroundings, given the prominent appearance within the greater landscape. Whilst I appreciate materials can be approved via condition, and the willingness to alter materials to timber as stated within the appellant's SoC, the current proposal to utilise uPVC windows would be inauthentic and uncharacteristic of this historic building.
21. It is clear to me that the proposed extension and alterations in their current form would unacceptably harm the significance of the listed building. It would fail to preserve the building and its setting and some of the features of special architectural or historic interest which it possesses, contrary to the requirements of s16 and s66 of the PLBCA. Paragraph 193 of the Framework states 'that great weight should be given to the asset's conservation, irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to their significance.'
22. Although serious, the harm to the heritage asset in this case would be 'less than substantial,' within the meaning of the term in paragraph 196 of the Framework. Paragraph 194 states that any harm to, or loss of, the significance of a designated heritage asset should require clear and convincing justification. Paragraph 196 requires that, where a proposal would lead to less than substantial harm, the harm should be weighed against the public benefits of the proposal.
23. Supporting information accompanying the appeals suggest that benefits of the scheme are an improved roof form which would prevent further water ingress into the ground floor of the property; the extension enabling the optimum viable use of the property; and that the extension sustains the current residential use of the property to be retained. I note comments from the Council that changes to the ground level could also reduce flooding to the ground floor. However, I am not convinced that the proposed extension is the only way of achieving appropriate accommodation for a family, and that the overall proposed design is sympathetic to the historic building.
24. Overall, I therefore find that there would be insufficient public benefit to offset the identified harm and the development does not accord with the PLBCA or the Framework. I therefore conclude that the proposal would fail to preserve the special architectural and historic interest of the Grade II listed building, which I am required to have special regard and pay special attention by the PLBCA. The development would also conflict with LP Policy LP24 (where criterion (a) and (c) seek proposals to promote good design by being subservient and reflect the form, scale and details of heritage assets); and LP Policy LP35 (which seeks that proposals preserve or enhance the significance of heritage assets).

Other Considerations

25. Very special circumstances to justify inappropriate development will not exist unless the potential harm to the Green Belt by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations.
26. There are benefits of the scheme which are detailed in paragraph 23 of this letter. These are matters that weigh slightly in favour of the proposed scheme. However, these benefits are to be weighed against the great weight attributed to the harm caused to heritage assets, and the great weight to the harm caused to the Green Belt.
27. These other considerations do not, in my view, either separately or cumulatively, clearly outweigh the substantial harm to the Green Belt by reason of inappropriateness and the harm to the openness of the Green Belt. As a result, the very special circumstances that are required to permit the development do not exist. The appeal development would therefore contain a lack of consistency with the provisions of the Development Plan and with the Framework, as referred to above.

Conclusion – Both Appeals

28. In conclusion, the appeal proposal would be inappropriate development in the terms set out in the Framework and, in addition, it would lead to a loss of openness to the Green Belt. The proposal would also have a detrimental effect upon the architectural and historic interest of the listed building. These issues are not outweighed by the considerations advanced by the appellant and I find that the other considerations in this case do not clearly outweigh the harm that I have identified.
29. Consequently, the very special circumstances necessary to justify the development do not exist. Therefore, for the reasons given above I conclude that the appeal is dismissed.

J Somers

INSPECTOR



Appeal Decision

Site visit made on 7 January 2020

by **Diane Cragg DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 26 January 2020

Appeal Ref: APP/Z4718/D/19/3237344

Upper Edge Farm, Sledgate Lane, Slaithwaite, Huddersfield HD7 5TZ

- 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 & Mrs N & L Dooley against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/90931/W, dated 14 March 2019, was refused by notice dated 18 July 2019.
 - The development proposed is erection of first floor side and single storey rear extension
-

Decision

1. The appeal is dismissed.

Procedural Matters

2. The address of the appeal site on the application form relies on a grid reference and a description of the site location. The appeal form identifies the site with an address and a postcode and confirms that this is the appeal site. I have used this address in the banner heading above.
3. Although the appeal form indicates that the description of the development has not changed the description on the planning application form is not the same as the appeal form. The description on the planning application decision notice concisely expresses the development proposals and is consistent with the detail shown on the appeal plans. I have therefore used this description in the banner heading above and determined the development accordingly.

Main Issues

4. The main issues are:
 - Whether the proposal would be inappropriate development in the Green Belt for the purposes of the National Planning Policy Framework (the Framework) and development plan policy;
 - The effect of the proposal on the openness of the Green Belt and the character and appearance of the area; and
 - If the development is inappropriate, whether the harm by reason of inappropriateness, and any other harm, is clearly outweighed by other considerations, so as to amount to the very special circumstances necessary to justify the development.

Reasons

Whether the proposal would be inappropriate development in the Green Belt

5. The appeal site is in an open countryside location where development is sporadic and generally reflects the local vernacular of the area. The appeal property is a substantial detached house constructed of stone with stone slate roof. It has an attached single storey stone-built garage and outbuilding with metal sheeted roof. The property is accessed via Sledgate Lane, a narrow country lane which carries a public right of way. There are also public rights of way to the east and west of the appeal site.
6. Paragraph 145 of the Framework regards the construction of new buildings as inappropriate in the Green Belt with certain exceptions. These exceptions include extension or alteration of a building provided that the development does not result in disproportionate additions over and above the size of the original building. The original building is defined in the Framework as a building as it existed on the 1 July 1948, or if constructed after 1 July 1948, as it was built originally.
7. Policy LP57 of the Kirklees Local Plan Strategy and Policies adopted February 2019 (Local Plan) supports the extension, alteration or replacement of existing buildings in the Green Belt provided, among other things, the building remains the dominant element in terms of size and overall appearance and the design and materials have regard to relevant design policies to ensure that the resultant development does not materially detract from its Green Belt Setting.
8. The appellant states that the first-floor extension would result in a 12.5% volume increase when measured against the existing structure. The Council consider that the proposed development would result in an approximately 32% volume increase. The appellant's calculation is unlikely to be accurate as the rear extension is not included in it. However, neither party has provided figures as to how they have established the volume increase nor have the Council as part of Policy LP57 indicated what volume of extension would be likely to be disproportionate.
9. The text to Policy LP57 states that if building extensions are to be acceptable in the Green Belt it is essential that they should neither prejudice the open character of the Green Belt nor be disproportionate in relation to the host building. Further, it states that disproportionate additions will be deemed to be those where the original building is no longer the dominant element. I do not have any firm identification of what the original building was or precise measurements for the calculation of the volume of the original building. Nor is there agreement over the volume increase that is proposed (over the original building size) or a threshold over which the volume increase would be deemed disproportionate.
10. However, to my mind, whether the extension would be a disproportionate addition is also influenced by other factors such as the relationship of the extensions to the existing structure in terms of scale, form and mass.
11. The existing house has a long front elevation with relatively large window openings which accentuate the length of the building. The attached outbuilding is of a lower height and its fenestration detail reflects its use as a garage and workshop.

12. The side extension, as amended during the application process, proposes that the outbuilding be extended upwards. It would be designed in two sections. The area closest to the house would be extended upwards to a height just below the main house roof and roofed in stone slate. The garage door openings would be retained at ground level and new first-floor windows to the front elevation would reflect the size and design of the main house. The end section of the building would be treated in a different manner. The roof and walls would be clad in larch cladding. It would be extended upwards to a marginally lower height than the adjacent extended section with various window openings and roof lights giving a lighter more contemporary appearance. Both sections of the side extension would be flush with the front elevation of the main house.
13. The design of the scheme relies on the stepping down of the roof line and the change in the materials along the buildings length to create a subservient mass of development relative to the main house. However, I find that the treatment of the extension's elevations, the limited height difference between the extension and the existing house, and its siting flush with the front of the house, would result in an extension that would appear substantial. As designed, I consider the side extension would appear as a disproportionate addition over and above the size of the original building.
14. The extension of the conservatory to the rear of the building is designed in keeping with the existing conservatory. The simple lean-to form and use of glass and oak framing allows the extension to sit comfortably in the less prominent rear area and does not of itself result in a disproportionate addition to the building.
15. Nevertheless, the appeal scheme, as a whole, for the reasons set out above would be a disproportionate addition. It would therefore be inappropriate development for the purposes of the Framework which is, by definition, harmful to the Green Belt.

Openness and character and appearance of the Green Belt

16. The Framework advises that openness and permanence are the essential characteristics of the Green Belt. Openness is the absence of development and it has both spatial and visual aspects.
17. Spatially the scheme has a limited additional footprint restricted to the extension to the conservatory at the rear of the property. Nevertheless, the upward extension would occupy open space above the height of the existing building which would result in some loss of the open view from Sledgate Lane over the existing roof of the outbuilding. Therefore, there would be a small but discernible impact on the openness of the Green Belt.
18. Policy LP24 of the Local Plan requires good design. It says that proposals should ensure the form, scale, layout and details of all development respects and enhances the character of the landscape, extensions should be subservient to the original building and should be in keeping with the existing building in terms of scale and materials. The Framework in chapter 12 similarly seeks to achieve well designed places.
19. The appeal property is in a prominent location. Its front, side and rear elevations are all readily visible from surrounding public viewpoints, including the road and from the adjacent public footpaths. The limited height difference

between the main house and the side extension would result in a more prominent and conspicuous mass. In addition, the distinctive larch cladding, roof lights and gable window would not be characteristic of the main building or the surrounding vernacular. Overall the side extension would appear as a prominent and incongruous feature which would detract from the rural setting of the property and the area's character and appearance.

20. Consequently, the development would have a harmful effect on the openness of the Green Belt and the character and appearance of the area in conflict with Policy LP24 of the Local Plan and the Framework.

Other Considerations

21. I accept that planning permission has been granted for a side first floor extension and a rear conservatory extension. I have been provided with the details of this scheme. The approved scheme would result in less built development and its details are simple and unobtrusive. The existence of this planning permission does not negate the harm I have identified. The existence of the extant consent is a matter which carries very limited weight in my assessment.
22. The proposal would not result in harm to the living conditions of the occupiers of neighbouring properties. However, this is a requirement of the development plan and is not a benefit that weighs in favour of the scheme.
23. The scheme does not fall within the parameters of 'permitted development'. The fact that in alternative circumstances a similar scheme may be permitted development does not provide a justification for the harm I have identified based on the site circumstances or weigh in favour of the appeal scheme.
24. I accept the appellant's assertion that there were no objections or adverse comments to the scheme during the consultation period however the lack of objections does not ameliorate the conflict I have found with the development plan and the Framework or weigh in favour of the proposed development.

Green Belt Balance

25. I have concluded that the proposal would be inappropriate development in the Green Belt. It would result in a small loss of openness of the Green Belt and would result in harm to the character and appearance of the area. These matters attract substantial weight.
26. There are no other considerations that would clearly outweigh the harm to the Green Belt by reason of inappropriateness, loss of openness and other harm. Therefore, the very special circumstances necessary to justify the proposal do not exist.

Conclusion

27. For the reasons set out above, the appeal is dismissed.

Diane Cragg

INSPECTOR



Appeal Decision

Site visit made on 28 January 2020

by **R E Walker BA Hons DipTP MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 24 February 2020

Appeal Ref: APP/Z4718/W/19/3240944

7 Manor Houses, Mill Bank Road, Meltham, Holmfirth HD9 4AU

- 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 David Barnes against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/92016/W, dated 13 June 2019, was refused by notice dated 8 October 2019.
 - The development proposed is the erection of detached dwelling.
-

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal site visit, the Government has published its 2019 Housing Delivery Test (HDT) results. This confirms that the Council's delivery has, as it was in the 2018 HDT results, been below the requirement over the last 3 years. As such, there is no change to the housing position and a 20% buffer still applies. Therefore, no party has been prejudiced by the 2019 HDT results.

Main Issues

3. The main issues are the effect of the proposal on:
 - The setting of Meltham Hall, a grade II listed building and its curtilage listed building (Bank Lodge Cottage); and
 - The character and appearance of the surrounding area.

Reasons

Listed buildings

4. The appeal site is a narrow parcel of land adjacent to Mill Bank Road and a driveway leading to the Robert Ashton Memorial Park (the park) at Meltham Hall (the Hall) which was previously a large country house built in 1841. The Hall is a grade II listed building and appears to retain its architectural significance. Its historical significance stems from the connection with the industrialist William Leigh Brook whose family owned mills nearby.
5. The appeal site is located at the margins of the historical grounds of the Hall and is positioned to the south of Bank Lodge Cottage (the lodge) which is a

curtilage listed building. Although there is no substantive evidence before me regarding the historical curtilage of the Hall, historical maps do show boundary distinctions between the appeal site and the Hall. Moreover, the 1893 map shows the lodge and a boundary severing the remaining part of the driveway and the appeal site. I recognise that a gated boundary could have existed adjacent to the lodge to mark an entrance point into the grounds of the Hall, however there is no substantive evidence either way.

6. Based on the evidence before me and given the scale, form and alignment of the wall on the northern side of the driveway, which is consistently shown on historic maps, I consider that on the balance of probability the appeal site did not form part of the original curtilage of the Hall. It nonetheless forms part of its setting.
7. In considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special regard must be had to the desirability of preserving the setting of listed buildings. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or, may be neutral.
8. I recognise that the setting of the Hall has been altered significantly over the years with the addition of modern houses which are seen, to varying degrees, in combination with the Hall, appeal site and the lodge. Although not entirely, these do detract from and reduce the value of the setting of the Hall.
9. Alterations to the lodge have detracted from its architectural interest, however due to its elevated position and location along the driveway, it is recognisable as an integral part of the approach to the Hall. Along the driveway, the built environment, stone walling and mature trees, create an attractive route into the park. Moreover, there are open views from the driveway over the appeal site providing visual links to, amongst other things, workers housing. As such, whilst I recognise that the park makes a greater contribution, the lodge and driveway and to a lesser extent the appeal site, nonetheless, contribute positively to the Hall's significance.
10. The Hall and the proposed development would not be seen in combination due to the change in topography, distance and intervening landscape features. However, the proposal would introduce built form, an access and hardstanding into a historically open parcel of land. It would be seen immediately adjacent to the driveway and in close proximity to the Lodge, eroding the historical context of this part of the driveway leading to the Hall. This would, in my view, result in harm to the setting of the Hall and the lodge.
11. The harmful effect these changes would have to the heritage significance of the listed buildings would be small, due to the scale of development, its position on the lower ground level and orientation in relation to the driveway. However, there would still be harm. The proposal would thus, conflict with the requirements of Policy LP35 of the Kirklees Local Plan Strategy and Policies Document (LP) adopted 2019 which, amongst other things, says that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

12. Paragraph 196 of the Framework advises that where a proposal would 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. I shall address any other matters and suggested public benefits later in my decision and conduct the balance required by paragraph 196 of the Framework as part of my overall conclusion.

Character and appearance

13. The appeal site is located within an area characterised by stone houses and commercial units. Although there are a number of other residential properties nearby, the proposal would be closely viewed with the detached houses at Mill Stables and the lodge. Mill Stables are accessed from a single driveway bordering the appeal site and the properties are arranged to create a tightly knit grouping. Although the appeal site has a somewhat unkempt and overgrown appearance, the rising bank and vegetation contributes to a soft entrance to Mill Stables and an attractive open approach into the park.
14. The proposed dwelling would sit toward the end of the narrow plot near the gable end of No 3 Mill Stables (No 3). I recognise that its long narrow plan form, height and design is a response to the constraints of the site. Moreover, the general appearance of the proposed building would be in keeping with the appearance of the properties in Mill Stables.
15. The appellant suggests that there is scope for additional landscaping, however I have no substantive evidence before me as to what this may entail. Moreover, the proposal would result in the plot being almost covered with built form and hardstanding and there would appear to me, to be little space for additional meaningful soft landscaping.
16. Due to its position and its orientation the proposed dwelling would have an awkward juxtaposition with the gable end of No 3. The layout, boundary wall and topography would mean that the proposed dwelling would not be integrated into or viewed as part of the courtyard setting of Mill Stables but, instead, would appear as an independent plot. When combined with the extent of built form in relation to the width of the site, the extent of hardstanding and the plot shape the proposal would, in my view, appear somewhat cramped and contrived in its plot.
17. I recognise that the proposal would not be dominant from the wider area due to the topography, other built form and vegetation. Moreover, from distant views the proposal would likely appear integrated into its surrounding built environment. However, the proposal would be seen in close views from Mill Bank Road and, in my view, detract from the soft open approach to Mill Stables and the driveway to the park.
18. I therefore conclude that the proposal would harm the character and appearance of the area. Such harm weighs against the proposal. The proposal would thus, conflict with the requirements of Policy LP24 of the LP which, amongst other things, seeks that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.
19. Policy LP24 of the LP is broadly consistent with paragraphs 127 and 130 of the Framework, and therefore any conflict with it is a matter of significant weight.

Other Matters

20. I recognise that the appeal site previously benefitted from planning permission for a dwelling in 2003¹. Moreover, the appellant purchased the plot with the belief that permission would be granted for an identical scheme due to the Council's record in granting renewal of permissions. I note that the Council's officer report for the 2003 approval considered the design to be innovative. Moreover, it did not assess the potential impact on the setting of any listed building despite the Act being in place at the time. I also note that the appellant has made changes to their scheme with the view to finding a solution.
21. However, both national and local planning policy has changed since the permission in 2003. As such, I do not give significant weight to this historical consent and I have determined the appeal on its own merits including having regard to the duty imposed by section 66 of the Act and national policy as set out in paragraph 196 of the Framework.
22. The Council did not make findings of harm with respect to, amongst other things, highway safety, construction constraints, utilities and living conditions, subject in certain cases to recommended conditions. I have considered the concerns raised in relation to these matters by interested parties. However, taking all the evidence into account, I do not reach different conclusions to the Council in respect of these matters. The absence of harm in these respects is, however, a neutral matter weighing neither for nor against the proposal.

Planning Balance

23. The appeal site is in a sustainable location and would make an effective use of an unused parcel of land. I recognise that the HDT results show that the Council's housing delivery has been below the requirement over the last 3 years. This results in a 20% buffer being applied in calculating its 5-year housing land supply. However, the appellant does not dispute the Council's position that including the required 20% buffer, the Council has more than a 5-year housing land supply. Nonetheless, the Government's policy objective of significantly boosting the supply of housing would be assisted by the proposal, but by only 1 house and so the matter attracts limited weight.
24. The provision of a single additional dwelling is of limited public benefit that does not outweigh the harm I have identified to the setting of Meltham Hall and the lodge or the harm to the character and appearance of the area.

Conclusion

25. For the reasons outlined above, and having had regard to all matters raised, the appeal is dismissed.

Robert Walker

INSPECTOR

¹ Application Reference: 2003/92740