
Appeal Decision

Site visit made on 1 August 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 17th August 2017

Appeal Ref: APP/Z4718/W/17/3174742

20 Manor Road, Farnley Tyas, Huddersfield HD4 6UL

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr and Mrs Wood against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/93787/E, dated 8 November 2016, was refused by notice dated 29 March 2017.
 - The development proposed is a new dwelling on land adjacent to Farnley Manor.
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Decision

1. The appeal is dismissed.

Main Issue

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

Reasons

3. The appeal site fronts onto Manor Road and comprises part of the substantial garden of Farnley Manor. The front of the site, beyond the boundary wall, also includes a secondary access area, which is separated by a further wall and hedge arrangement from the garden. Trees are found around the site frontage, on the boundary with 20A Manor Road, as well as in a small area within the site itself. The boundary with the remaining rear garden area with the main dwelling is undefined.
4. Manor Road contains a mixture of residential properties and farm buildings that are interspersed with fields, side garden areas and paddocks. These spaces, including the site, contribute towards a pleasing semi-rural character. This is an important and unifying constituent of the significance of this part of the Conservation Area. It also differentiates the character and appearance from the centre of Farnley Tyas, where there is a clustered and a higher density form of development. The absence of an adopted appraisal by the Council does not lessen the importance of preserving or enhancing Manor Road's role in the character and appearance of the Conservation Area.
5. The proposal would erode the pattern of development along Manor Road with the proposed dwelling resulting in the loss of the spacing between Farnley Manor and No 20A, resulting in a more continual pattern of built up form. This consolidation of development would also be evident with the loss of trees

around the site frontage, the projection of the garage towards the road, and the creation of the new access and drive area, which is substantially greater in size than the existing access. The siting of the main part of the proposed dwelling back from the site frontage to reduce visibility would therefore not serve to adequately address the effects on the prevailing character.

6. There is no clearly defined building line on Manor Road, and this is in part due to the contribution of spaces between buildings that would be disrupted by this proposal. There is also more development on the south side of Manor Road, where the site is found, but this only serves to emphasise the importance of the site as a gap between existing development to ensure that the character is maintained.
7. My attention has been drawn to a number of other developments along Manor Road and in Farnley Tyas. The two dwellings which have been constructed adjacent to Manor Farm do not result in the same loss of the contribution to the character as they are clustered and sited around the access with the farm buildings. The house extensions are much more modest in scale and do not unduly increase the extent of built development along Manor Road. The housing site off Field Lane is close to the village centre, with its markedly different character.
8. The design of the proposal itself does not alter my views because the issue is the loss of the contribution of the garden area as a space between Farnley Manor and No 20A. Likewise, the imposition of conditions would not overcome this detrimental effect on the significance of this part of the Conservation Area as they could not address the loss of this character.
9. The statutory duty in Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 is of considerable weight and importance. I conclude the proposal would fail to preserve or enhance the character or appearance of the Conservation Area. Similarly, I also conclude it would not comply with 'Saved' Policy BE5 of the Kirklees Council Kirklees Unitary Development Plan (1999) which states that development within Conservation Areas should contribute to the preservation or enhancement of the character or appearance of the area.
10. The proposal would also not comply with paragraph 131 of the National Planning Policy Framework (Framework) as it would not make a positive contribution to local character and distinctiveness. Paragraph 132 is also clear that when considering the impact of a proposal on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The assessment of the harm I have identified therefore has to be assessed in this context.
11. For the purposes of paragraphs 132 to 134 of the Framework, the proposal would lead to less than substantial harm. Whilst a dwelling would be added to the housing stock, I consider this would be a modest contribution and although it is intended the proposal would be low maintenance and energy efficient, details have not been provided for me to consider. It would be expected that a dwelling would be provided where there are services and with access to public transport, so I only attach limited weight to this factor in favour of the proposal. The public benefits are therefore limited and would not outweigh the harm.

Conclusion

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

Darren Hendley

INSPECTOR