
Appeal Decision

Site visit made on 19 June 2019

by F Rafiq BSc (Hons), MCD, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th August 2019

Appeal Ref: APP/Z4718/D/19/3227847

7 Lake View, Armitage Bridge, Huddersfield, HD4 7NX

- 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 Gloria Gough against the decision of Kirklees Metropolitan Council.
 - The application Ref 2019/62/90351/W, dated 6 February 2019, was refused by notice dated 5 April 2019.
 - The development proposed is the erection of a conservatory.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal development is for a conservatory to the north-east elevation of the property. The development had already been carried out at the time of my visit and I have considered the appeal accordingly. I was also able to see the fence enclosing the garden area that the Council have stated requires planning permission. Although, there are references to it on the appeal application form, it does not form part of the description of development and therefore is not before me in the determination of this appeal.
3. The Kirklees Local Plan was adopted on the 27 February 2019 before the Council made its decision. It forms part of the development plan and I have proceeded to determine the appeal accordingly.

Main Issue

4. The main issue is the effect of the extension on the character and appearance of the host dwelling and the area and whether it preserves or enhances the character or appearance of the Armitage Bridge Conservation Area (Conservation Area).

Reasons

5. The appeal property is a mid-terrace dwelling which is within a Conservation Area. It is constructed in natural stone with the roof formed of stone slate material. The surrounding area in the vicinity of the site is predominantly residential although to the north of the appeal property is a mill pond and allotments, which provide an open setting. This, alongside the historic form of the modest two storey terraces, including the generally low boundary walls, contribute to the attractive and cohesive character of the area.

6. The conservatory projects around 3m from the main two storey wall of the dwelling and has a similar width to its projection. It is separated from the neighbour at No. 5 by a distance of around 1.5m, but does extend across most of the width of the dwelling. At the time of my site visit, I was able to see that the terrace along the north-eastern frontage retained its original form, with projections forward of the main two storey facade limited mainly to some porch structures around entrance doors. In contrast to this, the scale of the appeal proposal, despite its construction in wall materials that are sympathetic to the existing property, as well as having gutters in a traditional style, has resulted in a large addition to the dwelling. The extension detracts from the generally uniform and consistent character of the terrace row and has intruded into a largely open garden area.
7. The roof materials, although formed of slate, are different to the stone slate materials of the main dwelling. This along with the shallow hipped roof form, which also differs from the simple pitched roof form of properties in the area, draws attention to the development, resulting in it appearing conspicuous in its surroundings.
8. I conclude therefore that the appeal development has an unacceptable adverse effect on the character and appearance of the host dwelling and the area and also fails to preserve or enhance the character and appearance of the Conservation Area. It is contrary to Policies LP 24 and LP 35 of the Kirklees Local Plan, which seek, amongst other matters, good design that enhances the character of the townscape and development that preserves or enhances the significance of the heritage asset. It would also be contrary to paragraph 193 of the National Planning Policy Framework (Framework), which states that great weight should be given to a heritage asset's conservation. In relation to paragraph 196 of the Framework, this states that where there would be harm that is less than substantial, as in this case, it must be weighed against the public benefits of the proposals.
9. I acknowledge the extension has replaced a run-down timber structure, however, from the information provided, this was a smaller porch like others that exist on the terrace row. In any event, this does not overcome my concern regarding the visual impact of the development.
10. The conservatory provides additional living space to meet the needs of the Appellant and her family and benefits from improved insulation. The Appellant has stated that she acted on advice that planning permission was not required for the appeal development. I also note the comments that the Appellant and her neighbours consider the elevation where the Conservatory is built, to be the rear. The Appellant has further raised concern on the consistency of communications from the Council and the length of time taken for them to respond stating that planning permission was required. Whilst I sympathise with the Appellant, I am required to deal with the appeal before me on its own merits. These matters do not outweigh the harm I have identified in respect of the main issue.

Other Matters

11. The development has not resulted in an unacceptable effect on the living conditions of neighbouring occupiers or on wildlife. There has also been no increase in localised flooding. These are, however, neutral considerations and not benefits of the proposal.

Conclusion

12. For the reasons given above and having considered all other matters raised, I conclude that the appeal should be dismissed.

F Rafiq

INSPECTOR