



Appeal Decision

Site visit made on 3 September 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 1 October 2019

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

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

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr K Bedford against the decision of Kirklees Council.
 - The application Ref 2018/62/93717/W, dated 6 November 2018, was refused by notice dated 7 June 2019.
 - The development proposed is extension and alterations to existing dwelling and new detached double garage and related landscape works.
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Decision

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

Procedural Matter

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

Main Issue

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

Reasons

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

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

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

Other Matters

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

Conditions

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

Conclusion

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

F Cullen

INSPECTOR