
Appeal Decision

Site visit made on 3 December 2019

by Sarah Manchester BSc MSc PhD MEnvSc

an Inspector appointed by the Secretary of State

Decision date: 17th December 2019

Appeal Ref: APP/Z4718/W/19/3238001

Land at Kiln Hill, Slaithwaite, Huddersfield HD7 5JS

- 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 Mr C Pogson against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/60/90372/W, dated 06 February 2019, was refused by notice dated 03 April 2019.
 - The development proposed is residential development (outline).
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The appeal relates to an outline proposal with all matters reserved for future consideration. Nevertheless, an indicative plan (ref 17-153-01C) was submitted to illustrate how 2 dwellings could be accommodated at this site in order to demonstrate that an acceptable scheme was capable of being advanced at the reserved matters stage. Notwithstanding the illustrative nature of the plan, in the absence of any other plans to demonstrate an alternative layout, I have therefore had regard to it.

Main Issues

3. The main issues are:
 - i) Whether the proposed development would preserve or enhance the Slaithwaite Conservation Area; and
 - ii) The effects of the proposed development on the living conditions of the occupiers of neighbouring residential properties and future occupiers.

Reasons

Character and appearance

4. The appeal site is a small area of hard surfaced land used for parking to the rear of a terrace of properties, including commercial premises, which front onto Manchester Road. The site is between 7 Kiln Hill and an industrial unit in a mixed residential and commercial area. It is within the Slaithwaite Conservation Area (the CA), the significance of which derives from the 19th century stone-built mill town with significant earlier buildings. The CA includes the historic mill buildings clustered around the River Colne and the canal

together with associated historic residential areas, which are typically formed from modest terraced properties in matching styles and materials. In this context, the vacant appeal site to the rear of the commercial premises makes a negative contribution to the significance of the CA.

5. The indicative plan illustrates a pair of 3 storey semi-detached dwellings with integral garages, with reconstituted coursed stone walls, concrete roof tiles, uPVC windows and composite doors. The building would be located immediately adjacent to the rear boundary of the site and there would be off-street parking to the front. There would be no functional private outdoor space.
6. The nearby terraced properties on Manchester Road and Kiln Kill have 3 and 4 storey rear elevations. However, this is a result of their hillside location and from the front they are nevertheless 2 storey dwellings. In contrast, the appeal building would be on relatively flat land, resulting in an isolated and tall building that would not be in keeping with the nearby terraced built form. Moreover, by virtue of its overtly modern design and materials, it would not relate well to the surrounding historic built environment. Notwithstanding its back lane location, it would be visible from the surrounding area. Consequently, it would be a conspicuous and uncharacteristic form of development that would not make a positive contribution to local distinctiveness or place making.
7. Paragraph 184 of the National Planning Policy Framework (the Framework) emphasizes that heritage assets are an irreplaceable resource and should be conserved in a manner appropriate to their significance. In this regard, I have a duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 to pay special attention to the desirability of preserving or enhancing the character or appearance of the conservation area.
8. I appreciate that the scheme is in outline and the detailed layout and appearance would be reserved matters. However, the proposal does not demonstrate that it would preserve or enhance the character or appearance of the designated heritage asset. Moreover, no alternative plans have been provided to demonstrate any alternative scheme that would make a neutral or positive contribution to the townscape. Therefore, taking into account the importance of the heritage asset, I must adopt a precautionary approach in determining this appeal.
9. However, the appeal scheme would be modest in the context of the CA as a whole. Consequently, it would result in less than substantial harm to the significance of the CA as a designated heritage asset. Paragraph 193 of the Framework is clear 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 irrespective of whether any potential harm amounts to substantial harm, total loss or less than substantial harm to its significance.
10. Paragraph 196 of the Framework states that where a development proposal would lead to less than substantial harm to the significance of the heritage asset, that harm should be weighed against the public benefits of the proposals. The Planning Practice Guidance sets out that public benefits could be anything that delivers economic, social or environmental objectives as described in the Framework, and that they should be a benefit to the public at large and not just be a private benefit.

11. In this regard, the scheme would primarily deliver private benefits. It would make a minimal contribution to the delivery of housing and there would be similarly minimal economic and social benefits associated with the construction and occupation of 2 small dwellings in this location. On that basis, the public benefits would not outweigh the harm to the CA and the proposal would therefore conflict with the Framework.
12. By virtue of the harm to the CA, the proposal would conflict with the development plan including Policy LP24 of the Kirklees Local Plan Strategy and Policies Adopted February 2019 (the LP). This requires, among other things, that proposals should respect and enhance the character of the townscape and heritage assets.

Living conditions

13. The submitted plan indicates a 3 storey building in close proximity to the rear elevations of properties on Manchester Road which are in residential use, with the exception of the commercial premises. In the absence of evidence to the contrary, I must take a precautionary approach and assume that at least some of the windows in the facing rear elevations serve habitable rooms.
14. The indicative plan illustrates that the proposal would have rear-facing windows at both first and second floor levels. Some of these windows would serve bathrooms. However, the kitchen windows would allow relatively close overlooking between the appeal scheme and the facing rear windows of the neighbouring properties. Consequently, the proposal would result in a loss of privacy. Furthermore, by virtue of its close proximity and height, the proposal would be an overbearing form of development and it would result in a poor outlook from the rear habitable room windows of the neighbouring properties.
15. The proposal would be set at an oblique angle relative to the adjacent property, 7 Kiln Hill, which is in a slightly elevated position and separated from the appeal site by a walled brook. Although the plans suggest that there would be no direct overlooking between the properties, by virtue of its height and proximity, the 3 storey blank gable end would be likely to appear overbearing and it would diminish the outlook from the rear of No 7.
16. The proposal would not provide any functional private outdoor space for future occupiers. I appreciate that traditional terraced properties in the area do not have large gardens. However, they generally have some outdoor space to meet the basic needs of occupiers. In this case, in the absence of outdoor space, the proposed modern dwellings would fail to provide an adequate standard of living conditions such as future occupiers might reasonably expect. In this regard, the presence of public open space elsewhere in the area does not meet the reasonable basic amenity needs of future occupiers.
17. I acknowledge that in the absence of detailed plans, it is not possible to fully consider the impacts of any future scheme on neighbouring or future occupiers. However, the evidence before me does not demonstrate that the proposal could be accommodated at this site without adverse impacts on the living conditions of residential occupiers. Moreover, given the constraints of the site, there is nothing before me to demonstrate that an alternative scheme could be brought forward which would not conflict with the development plan.

18. Therefore, the appeal proposal fails to demonstrate that significant adverse impacts on the living conditions of the occupiers of neighbouring properties would be avoided, with particular regard to outlook and overlooking. It has also not been demonstrated that the proposal would provide adequate living conditions for future occupiers, with particular regard to overlooking, privacy and private outdoor space. The proposal would conflict with Policy LP24 of the LP which requires, among other things, that development provides a high standard of amenity for future and neighbouring occupiers, including through maintaining appropriate distances between buildings. It would also conflict with the policies in the Framework that relate to health and well-being and standards of residential amenity.

Other Matters

19. The appeal site is in a suitable location for residential development, having regard to the accessibility of services and facilities including sustainable forms of transport. While this would be a small benefit, there are likely to be other equally accessible sites where new residential development could be delivered without conflict with the development plan. This is not therefore a matter that outweighs the harm that I have found.

Conclusion

20. I have concluded that the scheme would conflict with the development plan and there are no other considerations that outweigh that conflict. For this reason, the appeal should be dismissed.

Sarah Manchester

INSPECTOR