



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