
Appeal Decision

Site visit made on 28 January 2020

by R E Walker BA Hons DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 24 February 2020

Appeal Ref: APP/Z4718/W/19/3240944

7 Manor Houses, Mill Bank Road, Meltham, Holmfirth HD9 4AU

- 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 David Barnes against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/92016/W, dated 13 June 2019, was refused by notice dated 8 October 2019.
 - The development proposed is the erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the appeal site visit, the Government has published its 2019 Housing Delivery Test (HDT) results. This confirms that the Council's delivery has, as it was in the 2018 HDT results, been below the requirement over the last 3 years. As such, there is no change to the housing position and a 20% buffer still applies. Therefore, no party has been prejudiced by the 2019 HDT results.

Main Issues

3. The main issues are the effect of the proposal on:
 - The setting of Meltham Hall, a grade II listed building and its curtilage listed building (Bank Lodge Cottage); and
 - The character and appearance of the surrounding area.

Reasons

Listed buildings

4. The appeal site is a narrow parcel of land adjacent to Mill Bank Road and a driveway leading to the Robert Ashton Memorial Park (the park) at Meltham Hall (the Hall) which was previously a large country house built in 1841. The Hall is a grade II listed building and appears to retain its architectural significance. Its historical significance stems from the connection with the industrialist William Leigh Brook whose family owned mills nearby.
5. The appeal site is located at the margins of the historical grounds of the Hall and is positioned to the south of Bank Lodge Cottage (the lodge) which is a

curtilage listed building. Although there is no substantive evidence before me regarding the historical curtilage of the Hall, historical maps do show boundary distinctions between the appeal site and the Hall. Moreover, the 1893 map shows the lodge and a boundary severing the remaining part of the driveway and the appeal site. I recognise that a gated boundary could have existed adjacent to the lodge to mark an entrance point into the grounds of the Hall, however there is no substantive evidence either way.

6. Based on the evidence before me and given the scale, form and alignment of the wall on the northern side of the driveway, which is consistently shown on historic maps, I consider that on the balance of probability the appeal site did not form part of the original curtilage of the Hall. It nonetheless forms part of its setting.
7. In considering proposals for planning permission, the duty imposed by section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires that special regard must be had to the desirability of preserving the setting of listed buildings. The National Planning Policy Framework (the Framework) defines the setting of a heritage asset as the surroundings in which it is experienced. The extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance; or, may be neutral.
8. I recognise that the setting of the Hall has been altered significantly over the years with the addition of modern houses which are seen, to varying degrees, in combination with the Hall, appeal site and the lodge. Although not entirely, these do detract from and reduce the value of the setting of the Hall.
9. Alterations to the lodge have detracted from its architectural interest, however due to its elevated position and location along the driveway, it is recognisable as an integral part of the approach to the Hall. Along the driveway, the built environment, stone walling and mature trees, create an attractive route into the park. Moreover, there are open views from the driveway over the appeal site providing visual links to, amongst other things, workers housing. As such, whilst I recognise that the park makes a greater contribution, the lodge and driveway and to a lesser extent the appeal site, nonetheless, contribute positively to the Hall's significance.
10. The Hall and the proposed development would not be seen in combination due to the change in topography, distance and intervening landscape features. However, the proposal would introduce built form, an access and hardstanding into a historically open parcel of land. It would be seen immediately adjacent to the driveway and in close proximity to the Lodge, eroding the historical context of this part of the driveway leading to the Hall. This would, in my view, result in harm to the setting of the Hall and the lodge.
11. The harmful effect these changes would have to the heritage significance of the listed buildings would be small, due to the scale of development, its position on the lower ground level and orientation in relation to the driveway. However, there would still be harm. The proposal would thus, conflict with the requirements of Policy LP35 of the Kirklees Local Plan Strategy and Policies Document (LP) adopted 2019 which, amongst other things, says that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset.

12. Paragraph 196 of the Framework advises that where a proposal would lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal. I shall address any other matters and suggested public benefits later in my decision and conduct the balance required by paragraph 196 of the Framework as part of my overall conclusion.

Character and appearance

13. The appeal site is located within an area characterised by stone houses and commercial units. Although there are a number of other residential properties nearby, the proposal would be closely viewed with the detached houses at Mill Stables and the lodge. Mill Stables are accessed from a single driveway bordering the appeal site and the properties are arranged to create a tightly knit grouping. Although the appeal site has a somewhat unkempt and overgrown appearance, the rising bank and vegetation contributes to a soft entrance to Mill Stables and an attractive open approach into the park.
14. The proposed dwelling would sit toward the end of the narrow plot near the gable end of No 3 Mill Stables (No 3). I recognise that its long narrow plan form, height and design is a response to the constraints of the site. Moreover, the general appearance of the proposed building would be in keeping with the appearance of the properties in Mill Stables.
15. The appellant suggests that there is scope for additional landscaping, however I have no substantive evidence before me as to what this may entail. Moreover, the proposal would result in the plot being almost covered with built form and hardstanding and there would appear to me, to be little space for additional meaningful soft landscaping.
16. Due to its position and its orientation the proposed dwelling would have an awkward juxtaposition with the gable end of No 3. The layout, boundary wall and topography would mean that the proposed dwelling would not be integrated into or viewed as part of the courtyard setting of Mill Stables but, instead, would appear as an independent plot. When combined with the extent of built form in relation to the width of the site, the extent of hardstanding and the plot shape the proposal would, in my view, appear somewhat cramped and contrived in its plot.
17. I recognise that the proposal would not be dominant from the wider area due to the topography, other built form and vegetation. Moreover, from distant views the proposal would likely appear integrated into its surrounding built environment. However, the proposal would be seen in close views from Mill Bank Road and, in my view, detract from the soft open approach to Mill Stables and the driveway to the park.
18. I therefore conclude that the proposal would harm the character and appearance of the area. Such harm weighs against the proposal. The proposal would thus, conflict with the requirements of Policy LP24 of the LP which, amongst other things, seeks that the form, scale, layout and details of all development respects and enhances the character of the townscape, heritage assets and landscape.
19. Policy LP24 of the LP is broadly consistent with paragraphs 127 and 130 of the Framework, and therefore any conflict with it is a matter of significant weight.

Other Matters

20. I recognise that the appeal site previously benefitted from planning permission for a dwelling in 2003¹. Moreover, the appellant purchased the plot with the belief that permission would be granted for an identical scheme due to the Council's record in granting renewal of permissions. I note that the Council's officer report for the 2003 approval considered the design to be innovative. Moreover, it did not assess the potential impact on the setting of any listed building despite the Act being in place at the time. I also note that the appellant has made changes to their scheme with the view to finding a solution.
21. However, both national and local planning policy has changed since the permission in 2003. As such, I do not give significant weight to this historical consent and I have determined the appeal on its own merits including having regard to the duty imposed by section 66 of the Act and national policy as set out in paragraph 196 of the Framework.
22. The Council did not make findings of harm with respect to, amongst other things, highway safety, construction constraints, utilities and living conditions, subject in certain cases to recommended conditions. I have considered the concerns raised in relation to these matters by interested parties. However, taking all the evidence into account, I do not reach different conclusions to the Council in respect of these matters. The absence of harm in these respects is, however, a neutral matter weighing neither for nor against the proposal.

Planning Balance

23. The appeal site is in a sustainable location and would make an effective use of an unused parcel of land. I recognise that the HDT results show that the Council's housing delivery has been below the requirement over the last 3 years. This results in a 20% buffer being applied in calculating its 5-year housing land supply. However, the appellant does not dispute the Council's position that including the required 20% buffer, the Council has more than a 5-year housing land supply. Nonetheless, the Government's policy objective of significantly boosting the supply of housing would be assisted by the proposal, but by only 1 house and so the matter attracts limited weight.
24. The provision of a single additional dwelling is of limited public benefit that does not outweigh the harm I have identified to the setting of Meltham Hall and the lodge or the harm to the character and appearance of the area.

Conclusion

25. For the reasons outlined above, and having had regard to all matters raised, the appeal is dismissed.

Robert Walker

INSPECTOR

¹ Application Reference: 2003/92740