
Appeal Decision

Site visit made on 2 June 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2020

Appeal Ref: APP/Z4718/D/20/3245225

Roselyne, 124 Greenhill Bank Road, Totties, Holmfirth HD9 1UN

- 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 Miss E Beavor against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/91748/W, dated 23 May 2019, was refused by notice dated 6 December 2019.
 - The development proposed is first floor extension to form dormer bungalow.
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Decision

1. The appeal is dismissed.

Main Issue

2. The site is within the Green Belt. The Council considers that the proposed extensions to the dwelling would not be disproportionate in size, thereby falling within one of the exceptions to inappropriate development within the Green Belt set out in paragraph 145 of the National Planning Policy Framework (the Framework) and the development plan. On the basis of the evidence before me, I see no reason to disagree.
3. Therefore, I consider the main issue to be whether the rear dormer extension would affect the setting of the Totties Conservation Area (TCA) and preserve the setting of the adjacent Listed Buildings (LBs) 59-67 Totties Lane.

Reasons

Character and Appearance

4. The boundary to the TCA forms the western and southern boundaries of the appeal site. This is also the boundary to the adjacent Grade II LBs Nos 59-67 Totties Lane listed as a group. The TCA does not have an appraisal, but the Council Officer report sought to describe the TCA as a village established in C17 around the Grade II* Totties Hall with stone and slate terraces typical of a rural Pennine settlement. More recent development has occurred, but the historic core remains, and it is this which gives the TCA its significance.
5. The group of LBs at No59-67 are an important part of that character, not only important in their own right as LBs because of their architectural qualities, but the prominence they have within the street, in an elevated position, close to the road. Both the Council and the appellant agree the development would

result in less than substantial harm to the setting of the LBs and the setting of the TCA in terms of the Framework.

6. The appeal property is a simple brick and tiled bungalow centrally sited within its plot. Being set back from the road on an elevated site it can be clearly seen on the approach from the north east along Greenhill Bank Road. The land rises quite markedly with the appeal property being sited towards the top of a line of 20th Century properties, with the terrace of LBs, 59-67 Totties Lane, appearing set above and forward of it.
7. The listed buildings being closer to the road and in an elevated position towards the crown of the hill, are in a prominent position when approached from this direction. The position of the appeal property allows views across the front garden to both the LBs and the TCA, the eastern boundary to the listed buildings and the TCA being marked by a brick wall forming the party boundary.
8. The simple design of the appeal property ensures that despite the prominent position and the contrast in materials with the historic properties adjacent and which dominate within the TCA, it currently does not detract from the setting of the LBs or the TCA but has a neutral effect. The proposed development, would however, make a marked change to the appeal dwelling.
9. The contrast in materials and design, as well as the large scale of this box dormer, within the proposed rear elevation would result in an incongruous effect, due to the design, scale and materials proposed which would detract from rather than complement the existing property.
10. The addition of the rear box dormer is disproportionate relative to the size of roof in which it is proposed to sit. Being visible both on the approach from the north east but also from the south west when viewed in association with the adjacent LBs and would detract from the simple form of the historic buildings and the setting of the TCA.
11. By changing the simple roof form and adding to the palette of materials with timber cladding and render the simple appearance and character of the property would no longer have a neutral effect but would be incongruous. I therefore find the rear dormer extension would fail to preserve or enhance the setting of the TCA and the setting of the adjacent LBs 59-67 Totties Lane contrary to policies LP24 and LP35 of the Kirklees Local Plan (2019).

Other Matters

12. The appellant refers to the fallback position that exists in light of the available permitted development rights. I have no evidence greater than a theoretical possibility that such an extension may occur and cannot give this argument significant weight in my deliberations.
13. I note there has been some support locally, it does not overcome the harm I have identified.

Conclusions

14. Any public benefits of the proposal would not outweigh the less than substantial harm to heritage assets in this case. I therefore conclude the appeal should be dismissed.

Edwin Maund

INSPECTOR