



Appeal Decision

Site visit made on 1 September 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 20 October 2020

Appeal Ref: APP/Z4718/D/20/3253334

Park Farm House, Manor Road, Farnley Tyas, Huddersfield HD4 6UL

- 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 Mrs Eden against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2019/62/93271/E, dated 6 October 2019, was refused by notice dated 13 March 2020.
 - The development proposed is the erection of a detached garage, replacement porch and extension, alterations and formation of associated landscaping/parking.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a detached garage, replacement porch and extension, alterations and formation of associated landscaping/parking at Park Farm House, Manor Road, Farnley Tyas, Huddersfield HD4 6UL in accordance with the application Ref: 2019/62/93271/E dated 6 October 2019, subject to the conditions set out in the schedule attached.

Application for Costs

2. An application for costs was made by Mrs Eden against Kirklees Metropolitan Borough Council. This application is the subject of a separate Decision.

Procedural Matters

3. The description of development proposed as stated in the application form is 'Listed Building Consent for alterations, erection of garage and formation of associated landscaping/parking'. However, the Council confirmed that listed building consent was not required for the erection of a detached garage, replacement porch, alterations and formation of associated landscaping/parking, and that it was only required for the replacement extension located between Park Farm House and the Grade II listed building, Barn at 18 Manor Road (the Barn). The Council granted listed building consent for the replacement extension on 22 April 2020¹. Therefore, I have used the description of development proposed as stated in the Council's decision notice and the appellant's appeal form in the banner heading above and determined the appeal on that basis.
4. The main parties agree that Park Farm House is not a listed building. However, it is recognised that, in being associated with the Barn and displaying evidence

¹ Listed Building Consent Application Ref: 2019/93270/E.

of earlier living patterns², the building is of heritage value. The appellant's heritage statement asserts that Park Farm House should be considered to be a non-designated heritage asset. Whilst this may be the case, it is not referred to or corroborated by the Council and no evidence is before me that the building has been clearly identified as a non-designated heritage asset in line with the Planning Practice Guidance³ (the Guidance). Consequently, I have not taken this into consideration in my determination of the appeal.

5. A drawing, Site Section Aa⁴, has been submitted as part of the appeal. The drawing is not included in the plans referenced in the Council's delegated report and decision notice which are stated to have been considered and consulted upon as part of the determination of the application. Thus, in the interests of fairness, I have not taken this drawing into account in my consideration of the appeal.

Background and Main Issues

6. The Council's reasons for refusal relate solely to the proposed garage and no issues are raised in relation to the replacement porch and extension, alterations and formation of associated landscaping/parking. There is nothing in the evidence before me which would cause me to disagree. Therefore, I shall limit my considerations of the development proposed to the effects of the proposed garage, but having regard to the appeal proposal as a whole.
7. In the context of the above, the main issues are:
 - The effect of the proposed garage on the setting of the Grade II listed building known as Barn at 18 Manor Road, and whether it would preserve or enhance the character or appearance of the Farnley Tyas Conservation Area; and,
 - The effect of the proposed garage on the living conditions of occupiers of No 4 Park Farm Mews, with regard to outlook.

Reasons

8. The appeal site occupies a prominent position on the southern side of Manor Road and within the Farnley Tyas Conservation Area (the CA). It comprises Park Farm House, which is currently vacant, and its residential curtilage, which appears neglected. Park Farm House is a two-storey property with a single-storey, flat-roof, side extension and is constructed of coursed stone with a stone slate roof.
9. Immediately to the east is the Grade II listed building, the Barn (also known as No 4 Park Farm Mews) which has recently been converted to residential use; to the south and west is a recent residential development of large, two-storey dwellings of traditional design and materials on the site of the former Park Farm farmstead; and, to the north, on the other side of Manor Road, are open fields. An open pastoral landscape provides a wider setting to the appeal site and the village.

² Listed Building Description: Barn at 18 Manor Road, Manor Road. Historic England.

³ Planning Practice Guidance, Paragraph: 040 Reference ID: 18a-040-20190723.

⁴ Drawing Ref: PFH-IVI-XX-ZZ-DR-A-20-101 Rev P01 Appendix VI.

Setting of the Grade II listed building and Farnley Tyas Conservation Area

10. The Barn dates from 1693 and is constructed of dressed coursed rubble with large stone quoins and with a stone slate roof. From the evidence before me, the Barn's significance is largely derived from its evidential, historical and aesthetic values. The building's pleasing vernacular form, using traditional materials and construction techniques, is illustrative of a late seventeenth century barn and it displays features of the regional development of agricultural buildings in the Pennine region of West Yorkshire.
11. I am mindful of the National Planning Policy Framework's (the Framework) definition of 'setting' as being the surroundings in which a heritage asset is experienced, the extent of which is not fixed and may change over time as the asset and its surroundings evolve.
12. Historically, the immediate setting of the Barn comprised a tight-knit grouping of farm buildings, including Park Farm House and its large curtilage, which were associated with the Park Farm farmstead. Whereas the wider setting of the Barn comprised the rural agricultural landscape which was linked to the building's use.
13. The redevelopment of the farmstead for residential purposes has resulted in a notable change to the immediate setting of the Barn. The limited separation of the Barn to adjacent built form reflects the historical tight-knit grouping of the farmstead. In addition, the Barn's physical relationship with Park Farm House and its curtilage has been maintained. Nevertheless, the new residential development has altered the Barn's immediate setting to one that is domestic and manicured in form and appearance, as well as disconnecting it functionally from its wider agricultural setting. This has diminished the contribution that the Barn's setting makes to its significance as a designated heritage asset.
14. The CA encapsulates the core of Farnley Tyas and the main roads radiating out from it. The village displays a loose, linear pattern of development, created by its organic growth, which is located within a wider pastoral setting. The buildings are a combination of principal structures such as the church and pub, individual houses and small clusters of dwellings and farmsteads. The common use of local materials of sandstone and stone slate and the incorporation of architectural features such as quoins and mullions provide a degree of visual harmony within the street scene. All of these elements contribute to the special architectural and historic interest and significance of the CA.
15. The age, form and materials of Park Farm House cause it to make a positive contribution to the character and appearance of the CA. However, this contribution is somewhat lessened by the current vacancy and condition of the building and its curtilage.
16. The proposed garage would be located at the southern end of the appeal site and set back from the existing access road. The appeal statement confirms that it would be 6.9m in depth x 5.8m in width x 4.2m in height (to ridge) and constructed in coursed local natural stone with a roof of local natural stone slates. The main door would have an ashlar surround and there would be two roof lights in the northern roof slope.
17. With regard to the setting of the Barn, the proposed garage would introduce built form into a historically undeveloped space within the curtilage of Park

Farm House and the immediate setting of the Barn. The structure would also be conspicuous in short range views when travelling east along Manor Road and from within the residential development. In these respects, the proposed garage would fail to preserve the immediate setting of this Grade II listed building. In doing so, it would have a harmful effect on the contribution that the building's immediate setting makes to its significance.

18. Nonetheless, it is evident that the proposal would maintain an adequate degree of spatial separation and garden area between Park Farm House and the proposed garage. It would also provide a space between the Barn and the proposed garage which is comparable to that between the Barn and the new dwelling immediately to the south. Moreover, it would retain the ability to view the rear elevation of the Barn and permit the historic physical and functional relationship of the Barn and Park Farm House to be appreciated. As such, the extent of the harmful effect of the proposed garage would be limited.
19. With regard to the character and appearance of the CA, the location of the proposed garage would enable it to relate to the grouping of new dwellings and thus be in keeping with the general pattern of development within the area, rather than appear as piecemeal development. Furthermore, the proposed garage's single-storey form would be subservient to and would not dominate the nearby houses. This, combined with the use of traditional materials, would result in it assimilating into the appeal site and street scene. On this basis, it would preserve the character and appearance of the CA as a whole and would not harm its significance as a designated heritage asset.
20. With reference to Paragraphs 195 and 196 of the Framework, in finding harm to the significance of a designated heritage asset, the magnitude of that harm should be assessed. Given that the impact of the proposed garage would be limited to only part of the Barn's immediate setting and specific, short range views, I find that the harm would be 'less than substantial' in this instance but, nevertheless, of considerable importance and weight. Under such circumstances, Paragraph 196 of the Framework advises that this harm should be weighed against the public benefits of the proposal.
21. The proposed development, as a whole, would result in the sympathetic refurbishment and long-term reuse of Park Farm House. This, of itself, would enhance the immediate setting of the Barn and preserve and enhance the character and appearance of the CA. Some economic and social benefits would also be derived from the dwelling's renovation and reoccupation and future occupiers would potentially contribute to the local economy. These are substantial public benefits that weigh in favour of the appeal.
22. The proposed garage would result in the removal of on-street parking and provide storage space for any occupiers of Park Farm House which, the appellant declares, would make the property more viable and meet legal covenants. The removal of on-street parking would potentially provide some public benefit of improving the appearance of the area and CA. However, the other benefits cited would principally be of private benefit to the appellant.
23. Taking the above into account, the proposed garage located within the immediate setting of the Barn would cause less than substantial harm to the building's significance, which is of considerable importance and weight. Nonetheless, in my judgement, this would be outweighed by the substantial public benefits arising from the proposal when considered as a whole.

24. To conclude on the first main issue, the proposed garage would not preserve the setting of the Grade II listed building known as Barn at 18 Manor Road and would cause less than substantial harm to the building's significance. However, I find that this would be outweighed by the substantial public benefits accruing from the proposed development as a whole. In addition, the proposed garage would preserve the character and appearance of the Farnley Tyas Conservation Area. As such, it would not conflict with Policy LP35 of the Kirklees Local Plan Strategy and Policies 2019 (KLP), insofar as it requires proposals to preserve or enhance the significance of heritage assets. It would also comply with provisions within the Framework which seek to conserve and enhance the historic environment.

Living conditions of occupiers of No 4 Park Farm Mews

25. There is a significant level difference between No 4 Park Farm Mews (No 4) and the surrounding land to the south and west. This causes the properties of Park Farm House and the adjacent two-storey dwelling to the south along with their respective curtilages to sit substantially above No 4.
26. The modest private amenity space at the side of No 4 is strongly enclosed at the rear and sides by a combination of a high stone retaining wall and a lean-to side extension to No 4. The adjacent two-storey dwelling to the south and the main body of No 4 add to the sense of enclosure. Although there is an additional amenity space at the front of No 4, this is enclosed by a low stone wall and, consequently, is not as private.
27. The proposed garage would sit above and adjacent to the western end of the side private amenity space of No 4. The structure's rear blank gable wall would extend above and along the majority of the length of the shared boundary wall. It would be set in by approximately 1.5m and partially screened by a hedge.
28. I acknowledge that the proposed garage would contribute to the feeling of enclosure at the western end of the side private amenity space to some degree. However, its single-storey height, orientation and design would minimise any additional overbearing effects over and above those already experienced by occupiers of No 4. As such, I consider that the proposed garage would not appear unduly dominant or oppressive when viewed from within the side private amenity space of No 4, and would not reduce the outlook of occupiers of No 4 to a harmful degree.
29. Although not included in the Council's reason for refusal, issues of overshadowing/loss of light and overlooking/loss of privacy in relation to No 4 have been raised. Having regard to the appellant's sun study plans and the proposed relationship of the buildings, I am satisfied that the proposed garage would not have a materially harmful effect on the living conditions of occupiers of No 4 in these regards.
30. Accordingly, I conclude that the proposed garage would not have a harmful effect on the living conditions of occupiers of No 4 Park Farm Mews, with regard to outlook. As such, it would not conflict with Policy LP24(c) of the KLP, which requires that proposals promote good design by ensuring that they, amongst other things, minimise impact on residential amenity of future and neighbouring occupiers.

Other Matters

31. Other matters raised by interested parties which are not addressed in the reasoning above include, the garage could be used as an office; traditional buildings do not have garages; and the proposed development is not within permitted development rights.
32. If the proposed garage was used for anything other than uses incidental to the main dwellinghouse, the Council could take enforcement action. No substantive evidence has been provided which confirms that traditional buildings in the area do not have garages and, in any event, I have judged the appeal proposal on its own planning merits and with regard to the specific context of the appeal site. The development is not being carried out under permitted development rights.

Conditions

33. I have had regard to the conditions suggested by the Council and considered them in light of the advice set out in both the Framework and the Guidance. Planning permission is granted subject to the standard three year time limit. I have imposed a condition specifying the relevant amended drawings received by the Council on 14 and 22 February 2020 as this provides certainty.
34. To ensure that the external appearance of the development is compatible with its context, a condition relating to materials is necessary. In the interests of highway safety and to ensure a satisfactory layout and the adequate provision of parking, a condition relating to parking facilities is necessary. 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 main dwellinghouse, the Council could take enforcement action.

Conclusion

35. Therefore, for the reasons given above and subject to conditions, I conclude that the appeal should be allowed.

F Cullen

INSPECTOR

Schedule of 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:
 - Location Plan PFH-IVI-XX-ZZ-DR-A-90-001-P01
 - Existing GA plans and elevations PFH-IVI-XX-ZZ0DR-A-20-001-P01
 - Proposed site plan PFH-IVI-XX-ZZ-DR-A-90-002-P04
 - Proposed GA sections and elevations PFH-IVI-XX-ZZ-DR-A-20-100-P04
 - Sun study (existing-summer solstice) PFH-IVI-XX-ZZ-DR-A-20-400-P01
 - Sun study (proposed-summer solstice) PFH-IVI-XX-ZZ-DR-A-20-401-P02

Sun study (existing-winter solstice) PFH-IVI-XX-ZZ-DR-A-20-402-P01

Sun study (proposed-winter solstice) PFH-IVI-XX-ZZ-DR-A-20-403-P01

- 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 shall not be brought into use until the hardstanding/ vehicle parking area shown on the proposed site plan PFH-IVI-XX-ZZ-DR-A-90-002-P04 has been surfaced and drained in accordance with the Communities and Local Government; and Environment Agencies 'Guidance on the permeable surfacing of front gardens (parking areas)' published 13 May 2009 (ISBN 9781409804864) as amended or superseded; and that area shall thereafter be kept available at all times for the parking of vehicles.

End of Schedule of Conditions