



Appeal Decisions

Site visit made on 17 May 2021

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 02 June 2021

Appeal A Ref: APP/Z4718/W/20/3263293 57 Underbank Old Road, Holmfirth HD9 1AS

- 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 Jordan Cathcart against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2020/62/91481/W, dated 22 May 2020, was refused by notice dated 2 October 2020.
 - The development proposed is described as a small single height extension to the side of the property to enable a dining room space adjacent to the kitchen which is currently lacking in the property.
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Appeal B Ref: APP/Z4718/Y/21/3268691 57 Underbank Old Road, Holmfirth HD9 1AS

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 against a refusal to grant listed building consent.
 - The appeal is made by Mr Jordan Cathcart against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2020/65/91482/W, dated 22 May 2020, was refused by notice dated 2 October 2020.
 - The works proposed are described as a small single height extension to the side of the property to enable a dining room space adjacent to the kitchen which is currently lacking in the property.
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Decision – Both Appeals

1. **Appeal A** and **Appeal B** are dismissed.

Preliminary Matters

2. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.
3. The proposal was amended during the consideration of the applications and was determined on the basis of revised drawings. For the avoidance of doubt, I have determined the appeals on the basis of the revised drawings.
4. The Council's delegated report for application Ref: 2020/62/91481/W states that the loss of private amenity space arising from the proposal would reduce the living conditions of occupiers of No 57 Underbank Old Road (No 57) which would be contrary to Local Plan Policy. Whilst this matter is not explicitly referenced in the second reason for refusal within the Council's decision notice for this application, as the appellant has responded to this matter in his statement of case, I have considered it in my determination of the appeals.

Main Issues

5. The main issues are:

- The effect of the proposal on i) the special interest of the Grade II listed building, No 57 Underbank Old Road and ii) the character and appearance of the area, with due regard to whether it would preserve or enhance the character or appearance of the Underbank Conservation Area (Appeals A and B); and,
- Whether the proposal would provide adequate living conditions for occupiers of No 57 Underbank Old Road, with regard to the provision of private amenity space (Appeal A only).

Reasons

Special interest of the listed building and the character and appearance of the area, including the Underbank Conservation Area

6. The appeal property, No 57, occupies a highly prominent position at the junction of Underbank Old Road and Sweep Lane. The building is Grade II listed and located within the Underbank Conservation Area (the CA).
7. No 57 dates from the early-mid 19th century. It is an end-of-terrace, three-storey cottage with a later two-storey, lean-to extension at the side. The building is constructed of hammer dressed stone with a stone slate roof. The main element of the dwelling has three-light stone mullioned windows to each floor.
8. From the evidence available to me, I consider that the special interest and significance of No 57, to be largely derived from its historic interest and architectural interest as a mid-early 19th century domestic property, which forms a modest, but integral, component of the wider townscape within this part of Underbank. The dwelling's age and surviving historic fabric along with its pleasingly simple but robust vernacular form, possessing a strong vertical emphasis and using traditional materials and construction techniques, all make important contributions in these regards.
9. The area has a strong character and sense of place. The narrow street pattern and generally linear development of the buildings are a consequence of its topography, with significant level changes across the area, and organic growth. The buildings vary in size, scale and design, but are mostly consistent in their materials of local stone and stone slate, many with stone mullioned windows, giving a degree of architectural coherence and visual unity to the locale. All of these elements contribute positively to the CA's character and appearance as a whole and thereby to its significance as a designated heritage asset.

The appeals proposal

10. The proposal comprises a single-storey lean-to extension, adjoining the later two-storey extension to the main element of the property. The proposed extension would project south, over the existing private amenity space at the side, tapering to fit the shape of the space. It would also have a smaller element projecting west and fronting Underbank Old Road. The extension would be constructed of stone with a stone slate roof, with a three-light stone mullion window in the west elevation. A large window would be located in the

south elevation and some of the submitted drawings show rooflights incorporated into the roof pitch. The proposal would also include the repurposing of the rear drive and garage as a rear garden and summer house.

The effect of the appeals proposal

11. I acknowledge that the stepping down of the proposed extension and the pitch of its roof would respect the existing lean-to extension; and that the extension's building line and roofscape would follow the line of Sweep Lane. In addition, the extension would be physically subservient to the host property in height, size and massing.
12. Nevertheless, the proposal would introduce additional built form to the southern side of the property, resulting in the building's incremental extension and horizontal elongation. This would severely weaken the dwelling's strong and characteristic vertical emphasis. Moreover, the minimal set back of the extension's western projection from the main front building line of the house and the inclusion of three-light stone mullioned windows, would cause it to compete for prominence with the primary building and disrupt the architectural hierarchy of the property.
13. Whilst it is evident that lean-to side extensions are present in the area, from my observations on site, the additional forward projection is not typical of extensions to properties within the locale. Furthermore, even though the extension would be of a high quality and constructed of materials that would be respectful of its context, taken together, the identified adverse effects of the proposal would reduce the listed building's historic and architectural integrity as well as its legibility.
14. I recognise that the proposal would not be readily visible when travelling south along Sweep Lane. Nonetheless, given the building's prominent position, the proposal would be excessively conspicuous from public routes when travelling north towards the junction with Sweep Lane and when travelling past the front elevation along Underbank Old Road. Furthermore, although there would be a landscaped area at the apex of the site, given its modest size, it would not sufficiently mitigate the undue presence of the extension on the building or within the street scene. In these respects, the proposal would have a harmful effect on the character and appearance of the area and, therefore, would also detract from the high quality of the CA as a whole.
15. I accept that conservation is a process of managing change to heritage assets in ways that sustain, reveal or reinforce their heritage interests. The adaptation of a building or alteration of an area over time are often apparent and this change can either be neutral, positive or harmful depending on how it affects the special interest of the heritage asset. It only becomes harmful if the identified special interest is eroded, which I have found to be the case in the appeals proposal before me.
16. In coming to my decision I have had full regard to the general support of the Council's conservation officer for the revised proposal and I note the contradictions within the Council's delegated reports in this respect. Nevertheless, I am mindful that the exercise of the statutory duties under sections 16(2), 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) is of great importance. From the

submitted evidence, it is apparent that there remained a concern about the western projection of the extension, which I have concurred with.

17. Taking all of the above into account, I find that the proposal would fail to preserve the special interest of the Grade II listed building, No 57 Underbank Old Road. It would also have a harmful effect on the character and appearance of the area which, in turn, would not preserve or enhance the character and appearance of the Underbank Conservation Area. This would be contrary to the requirements of sections 16(2), 66(1) and 72(1) of the Act. As such, the proposal would harm the significance of these designated heritage assets.

Public benefits and planning balance

18. Paragraph 193 of the National Planning Policy Framework (the Framework) advises that when considering the impact of a proposed development on the significance of designated heritage assets, great weight should be given to their conservation. Paragraph 194 goes on to advise that significance can be harmed or lost through the alteration or destruction of those assets and that this should have clear and convincing justification.
19. With reference to Paragraphs 195 and 196 of the Framework, in finding harm to the significance of designated heritage assets, the magnitude of that harm should be assessed. Given the localised extent of the development and works, I find the harm to the listed building and the CA to be 'less than substantial'. Nonetheless, this should not be equated with a less than substantial planning objection and is of considerable importance and weight. Under such circumstances, Paragraph 196 advises that this harm should be weighed against the public benefits of the proposal.
20. As the appellant asserts that the proposal would result in no harm to the designated heritage assets of the listed building and CA, no public benefits have been cited which are declared to outweigh that harm.
21. I recognise that some economic benefits would be derived from the construction of the extension. However, given the limited amount of development and works proposed, the scale of the benefit that would flow from the proposal to the public at large would be minimal.
22. The proposal would provide additional living space for the appellant and, in that respect, would support the continued use of the listed building as a dwelling. Nevertheless, the additional space would essentially be of private benefit to the appellant. Moreover, no substantive evidence has been provided which verifies that the development and works are fundamentally necessary to facilitate the 'modern use' of the dwelling, or that the future use of the property as a dwelling would be at risk if the appeals were to fail and the proposal was not implemented. Nor am I convinced that the same public benefits identified could not be achieved by a scheme which would be less harmful to the significance of the designated heritage assets.
23. Consequently, in attributing considerable importance and weight to the identified harm to the significance of the designated heritage assets, I find that there would be insufficient public benefits arising from the proposal to outweigh this harm. As such, the proposal would fail to satisfy the requirements of sections 16(2), 66(1) and 72(1) of the Act and Paragraphs 192, 193 and 194 of the Framework.

24. The proposal would also conflict with Policies LP24 (a and c) and LP35 of the Kirklees Local Plan Strategy and Policies 2019 (the KLP) in so far as they require that the form, scale, layout and details of all development respects and enhances the character of the townscape and heritage assets; that extensions are subservient to the original building and in keeping with the existing buildings in terms of scale, materials and details; and that development proposals affecting a designated heritage asset should preserve or enhance the significance of the asset. As a result, the proposal would not be in accordance with the development plan.

Provision of private amenity space

25. The proposal would result in the loss of the existing private amenity space located immediately adjacent to the south of the house and accessed via a door from the kitchen in the southern elevation of the later extension.
26. However, it would also involve the creation of a garden area along with a summerhouse at the rear of the property in place of the existing garage. I accept that this space is not immediately adjacent to the house or historically associated with the property. Nevertheless, it is within the bounded confines of the house's curtilage and its distance from the rear entrance is not unduly excessive, nor is the route to it arduous or unsafe. Furthermore, there would also be a small courtyard area immediately in front of the house which would be only slightly smaller than the existing private amenity space available.
27. When taken together, I consider that these spaces would provide an adequate level of private amenity space that could reasonably be expected by any occupiers of a property of this size.
28. Accordingly, I find that the proposal would provide adequate living conditions for occupiers of No 57 Underbank Old Road, with regard to the provision of private amenity space. As such, it would not conflict with Policy LP24 (c) of the KLP in so far as it requires extensions to minimise impact on residential amenity of future and neighbouring occupiers. It would also comply with Paragraph 127 of the Framework which, amongst other things, seeks to create places with a high standard of amenity for existing and future users.
29. This reason for refusal also cites Policies LP24 (a) and LP35 of the KLP. As these policies principally relate to the character and appearance of the existing building and townscape and to the historic environment, they are not directly pertinent to this main issue.

Other Matters

30. To support the original proposal and the principle of an extension to the property, the design and access statement submitted with the applications includes examples of developments and extensions to dwellings within the locale. However, the information provided is limited and I do not have any of the details or circumstances which led to them being accepted. Therefore, I am unable to draw any meaningful comparisons with the appeals before me in respect of the development and works proposed and can only give them limited weight in my determination of the appeals.
31. I have had regard to the letters of support for the proposal. However, these are neutral considerations in the balance and do not alter my conclusions on the main issues.

Conclusion – Both Appeals

32. The proposal would fail to preserve the special interest of the Grade II listed building No 57; and would have a harmful effect on the character and appearance of the area which, in doing so, would fail to preserve or enhance the character and appearance of the CA. These matters weigh heavily against the appeals. Whilst I have found that the proposal would provide adequate living conditions for occupiers of No 57, with regard to the provision of private amenity space, a lack of harm in this regard does not amount to a consideration in support of the appeals.
33. In relation to the Framework, the proposal would cause 'less than substantial harm' to the significance of the designated heritage assets. I must attach considerable importance and weight to that harm, which I find would not be outweighed by the minimal public benefits that would flow from the proposal.
34. Therefore, for the reasons given above, I conclude that both **Appeal A** and **Appeal B** should be dismissed.

F Cullen

INSPECTOR