



Appeal Decision

Site visit made on 7 January 2022

by Richard Newsome BA (Hons) MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 February 2022

Appeal Ref: APP/Z4718/D/21/3287411

8 Hopton Hall Lane, Upper Hopton, Mirfield, West Yorkshire WF14 8EN

- 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 Sophie Ratcliffe against the decision of Kirklees Council.
 - The application Ref 2021/62/92876/E, dated 9 July 2021, was refused by notice dated 11 October 2021.
 - The development proposed is a two storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposed development on the:
 - character and appearance of the host dwelling and the area, including whether the proposal would preserve or enhance the character or appearance of the Upper Hopton Conservation Area, and the significance of the neighbouring non-designated heritage asset, The Coach House; and
 - living conditions of the occupants of the neighbouring The Coach House, particularly with regard to overshadowing, loss of sunlight, and overbearing effect on outlook.

Reasons

Character and Appearance

3. Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of the Upper Hopton Conservation Area (the CA).
4. The CA is discreet in size being formed of a relatively small number of residential buildings, a community centre, a church, a central area of open space, and a recreation ground with a play area. It is part of a quiet residential village with an open and green character. The appearance of the CA is formed of predominantly 2-storey buildings with stone elevations and stone or slate tile roofs. The buildings are well defined with gaps between them and provide positive frontages. The open space and tree cover are also key features of the appearance of the CA.
5. The appeal property, No 8 Hopton Hall Lane, is one of a pair of 2-storey semi-detached dwellings located on the southern edge of the CA. The pair of

dwelling is symmetrical in built form when viewed from Hopton Hall Lane with private drives down the sides of each dwelling separating them from adjacent dwellings. The frontages and gaps to adjacent dwellings contribute positively to both the character and appearance of the CA.

6. Adjacent to the appeal property is The Coach House which is identified by the Council as a non-designated heritage asset in its Officer's Report. There is no statutory listing process for non-designated heritage assets nor any formal definition of them in the National Planning Policy Framework (the Framework). The Planning Practice Guidance¹ (the Guidance) indicates that non-designated heritage assets are buildings, monuments, sites, places, areas or landscapes identified by plan-making bodies as having a degree of heritage significance meriting consideration in planning decisions but which do not meet the criteria for designated heritage assets. Whilst I am unaware as to whether the Council has followed the advice in the Guidance² in identifying The Coach House as such, the Guidance is also clear that in some cases local planning authorities may also identify non-designated heritage assets as part of the decision-making process on planning applications.
7. I note that neither party has identified the significance of The Coach House as a non-designated heritage asset. Based on the evidence before me, and observations during my site visit, I consider its significance to be derived from its distinctive architectural appearance, use of materials reflective of the appearance of the CA, and its detached nature on a key corner location within the CA opposite several listed buildings. It also makes a positive contribution to the CA.
8. The proposal is for a 2-storey side extension at No 8 which would extend almost up to the boundary with The Coach House. It would effectively remove the gap between No 8 and The Coach House and result in a detrimental terracing effect in the street scene. It would also unbalance the important symmetry of the built form of the pair of semi-detached dwellings. These changes would result in detrimental effects to the character and appearance of the host dwelling, the area, and the CA as whole.
9. The proposal would therefore neither preserve nor enhance either the character or appearance of the CA. Overall, the effects would result in less than substantial harm to the significance of the CA as a whole. It is noted that there would be no evident public benefits of the proposal that would outweigh the resultant harm to the CA.
10. By virtue of the scale, design, and proximity of the proposal to The Coach House there would also be an indirect detrimental effect on its significance as a non-designated heritage asset which would cause less than substantial harm. There would be no evident benefits of the proposal which would outweigh this harm.
11. The appellant has contended that a terracing effect already exists by virtue of the backdrop to the gap between No 8 and The Coach House being a stone wall associated with another property. However, I do not consider that this represents a terracing effect given its height and set back behind the dwelling. Whilst I acknowledge that there are some terraced dwellings nearby on Hopton

¹ Paragraph: 039 Reference ID: 18a-039-20190723

² Paragraph: 040 Reference ID: 18a-040-20190723

Hall Lane these do not justify the terracing effect the proposal would create, or the harm that this would cause.

12. The appellant has indicated that they previously carried out works to No 8 to make the 2 semi-detached dwellings look more similar and feels they are now being penalised for this. However, the works specified by the appellant did not affect the separation between the buildings of No 8 and The Coach House or the symmetrical nature of the built form of the pair of semi-detached dwellings. It would be the detrimental effect of the proposal on these features that would cause significant harm.
13. The appellant has stated that it would be unreasonable for owners of semi-detached properties to maintain a perfect balance for the visual appeal of the street. Whilst I can appreciate the appellant's desire to extend the dwelling, I have considered the proposal on its own merits against up-to-date legislation and policies.
14. Consequently, I conclude that the development would detrimentally affect the character and appearance of the host dwelling and the area. It would neither preserve nor enhance either the character or appearance of the CA and would result in residual less than substantial harm to the significance of both the CA and The Coach House as a non-designated heritage asset.
15. The proposal would therefore be contrary to Policies LP24(a) and LP35 of the Kirklees Local Plan Strategies and Policies document (2019) (KLP). Taken collectively these policies require that the form, scale, layout, and details of development respects and enhances the character of the townscape and heritage assets, and that proposals should preserve or enhance the significance of designated and non-designated heritage assets. It would also not accord with Principle 1 of the House Extensions and Alterations Supplementary Planning Document (2021) (the SPD) which requires that extensions to dwellings should be in keeping with the appearance, scale, design, and local character of the area and the street scene.
16. The proposal would also be contrary to the Framework, which amongst other things, requires that developments are of a high-quality design and sympathetic to local character, and that heritage assets are conserved in a manner appropriate to their significance.

Living Conditions

17. The proposed development would significantly reduce the separation between the built forms of No 8 and The Coach House. The front corner of the proposed extension would project beyond the adjacent garden-facing elevation of The Coach House. This juxtaposition would result in a section of 2-storey blank elevation in close proximity to two windows of habitable rooms in The Coach House on the garden-facing elevation; one at ground floor and one at first floor, as well as the garden.
18. Given the location, design, and scale of the proposal, as well as the relative orientations of No 8 and The Coach House, it would have an imposing and overbearing effect on the occupants of The Coach House. It would have a detrimental effect on the outlook for occupants of The Coach House from the two habitable room windows in the garden-facing elevation, as well as for users of the garden.

19. I acknowledge the appellant's comments that due to the orientation of The Coach House it already receives minimal direct sunlight to the garden-facing elevation and that the proposal would not overshadow The Coach House at any time of day. I consider that the proposal would not detrimentally affect the amount of direct sunlight received to the garden-facing elevation of The Coach House due to its orientation. By virtue of No 8 being located to the south of The Coach House it already overshadows this elevation of the dwelling and its garden at certain times. Due to the scale of the proposal, and its proximity to The Coach House it would result in some additional overshadowing to its garden-facing elevation, and the garden at certain times. However, whilst this would have a darkening effect on windows to habitable rooms and parts of the garden it would not be unacceptably detrimental.
20. Therefore, I conclude that the design, scale, and location of the proposal would only result in harm to the living conditions of the occupants of The Coach House in respect of having an overbearing effect on outlook. However, this itself would be significantly harmful to the living conditions of those occupants and it would be contrary to Policy LP24(b) of the KLP (2019) which requires that proposals should provide a high standard of amenity for future and neighbouring occupiers including maintaining appropriate distances between buildings. It would also not accord with Principle 6 of the SPD (2021) which requires that extensions and alterations should not unduly reduce the outlook from a neighbouring property. It would also be contrary to Section 12 of the Framework, which amongst other things, requires that developments create places with a high standard of amenity for existing and future users.

Other Matters

21. I acknowledge that the appellant provided the Council with revised floor plans during the determination of the application to try and resolve concerns about the effects of the proposal on living conditions for occupants of The Coach House. However, these details are not part of the proposal before me and so have not influenced my determination of this appeal.
22. I note the appellant's comments regarding planning permissions granted for previous extensions of The Coach House and the effects on No 8. However, I do not have full details that led to these proposals being accepted by the Council and so cannot be sure of the circumstances and policies involved, and in any event, I must consider the appeal scheme on its own merits.
23. I recognise that the proposal would provide additional living space for a growing family. However, this matter does not outweigh or alter my conclusion on the main issues.

Conclusion

24. For the reasons given above, having considered the development plan as a whole and all other relevant material considerations, I conclude that the appeal should be dismissed.

Richard Newsome

INSPECTOR