



Appeal Decision

Site visit made on 22 February 2022

by Diane Cragg Dip TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 01 March 2022

Appeal Ref: APP/Z4718/D/22/3290356

2 Old Hopkinson Drive, Birkby, Huddersfield HD2 2FU

- 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 M Khan against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/62/93763/W, dated 20 September 2021, was refused by notice dated 19 November 2021.
 - The development proposed is described as 'rear extension'.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. At my site visit I saw that a tree within the garden of the appeal site had fallen and damaged the garage to the rear of No 1 North Bank Road. I am satisfied that the loss of the tree and the damage to the garage does not change my understanding of the appeal site circumstances or the evidence provided by the parties about the appeal proposal.
3. The appeal site is within Birkby Conservation Area wherein I have a statutory duty under Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing the character or appearance of the area.

Main Issues

4. The main issues are the effect of the development on (i) the character and appearance of the host dwelling and the area including Birkby Conservation Area, and (ii) the living conditions of neighbouring residential properties on North Bank Road with particular regard to outlook.

Reasons

Character and appearance

5. The appeal property is one of 12 properties in a small cul-de-sac constructed relatively recently on land to the rear of North Bank Road within Birkby Conservation area (CA).
6. No 2 Old Hopkinson Drive is a detached modern stone-built property designed having regard to its corner elevated site and the significant trees in the rear garden.

7. Despite the intervening garage in the rear of 1 North Bank Road and existing boundary treatment, because of its elevated position the rear of the appeal property is prominent on the approach to Old Hopkinson Drive along Macaulay Road. It is also prominent from the narrow public footpath between the appeal site and the rear of properties facing North Bank Road, an established footpath route from Birkby Hall Road.
8. Although the extension would be constructed of matching materials, it would introduce a further architectural element to the building that would not complement the main building design. The long straight section of solid stonework close to the boundary would sit awkwardly with the angled design of the rear elevation, and the roof form would not be compatible with the roof forms of the existing structure. Consequently, the extension's design would not be sympathetic to the host property, its incongruous design would draw attention, and because of the dwellings prominent elevated position, the extension would look harmfully out of place.
9. I accept that there are elements of the Council's House Extensions and Alterations SPD June 2021 (SPD) with which the extension may comply. However, as the corner design is unique, the general guidelines in the SPD do not alter my view that the extension's design would detract from the character and appearance of the host dwelling and the area.
10. The appellant has provided a short heritage statement, but neither party has provided any evidence as to the significance of the CA. I saw at my site visit that the brick-built terraces on North Bank Road are indicative of the later approach to housing in the CA, reflecting the layout of the earlier stone terraces. The public footpath is an established route through the CA and the terraced properties and footpath route contribute somewhat to its significance. Because of its design, the proposal would neither preserve nor enhance the character or appearance of the CA, although the harm would be less than substantial.
11. Paragraph 202 of the National Planning Policy Framework (the Framework) states that less than substantial harm to the significance of a designated heritage asset (in this case the CA) should be weighed against the public benefits of the proposed development. Whilst additional landscaping would be introduced, and this may be of some limited public benefit, this matter does not outweigh the great weight that should be given to the asset's conservation.
12. Moreover, the proposal would conflict with Policies LP24 and LP35 of the Kirklees Local Plan Strategy and Policies adopted February 2019 (KLP) which requires proposals to promote good design ensuring the form, scale layout and detailing of all development respects and enhances the character of the townscape and the historic environment. It would also conflict with the SPD where the general design principles seek design appropriate to the local character and the street scene, and in keeping with the existing building in terms of scale and detailing.
13. The proposal would also conflict with the Framework where it seeks to ensure that development would add to the overall quality of the area and be sympathetic to local character.

Living conditions

14. The rear elevations of properties facing North Bank Road are separated from the appeal site by reasonably sized gardens and the narrow public footpath. The elevated appeal plot with its close boarded fencing adjoins the footpath boundary. The proposed extension would be visible from the North Bank Road properties because of its height and its proximity to the rear boundary of the appeal site, but it would not be close enough to be harmful to their outlook, or otherwise detract from their living conditions by being overbearing or oppressive.
15. Additionally, I am satisfied that, with the orientation of the appeal site and the distances involved, the proposed extension would not harmfully reduce the level of daylight or sunlight into the rear garden areas or rear facing windows of the nearest properties on North Bank Road.
16. Therefore, the proposal would not detract from the living conditions of neighbouring properties on North Bank Road. In this respect, the proposal would accord with Policy LP24 of the KLP which requires a high standard of amenity to be maintained for neighbouring occupiers. It would also accord with the SPD which seeks to resist development that would result in the loss of natural light and that would unduly reduce the outlook from neighbouring properties. Nor would there be a conflict with the Framework which seeks to ensure that development creates places with a high standard of amenity for existing and future users.

Other Matters

17. Section 66 (1) of the Act requires that, in considering whether to grant planning permission for development which affects a listed building or its setting, special regard must be given to the desirability of preserving the building, or its setting, or any features of special architectural or historic interest which it possesses.
18. Birkby Grange, a grade II listed building, is to the northwest of the appeal site. Due to the separation distances and the intervening buildings the proposed extension would not harm the setting of the listed building; its setting would be preserved.

Conclusion

19. I am satisfied that the development would not detract from the living conditions of properties on North Bank Road. Nevertheless, for the reasons given above, I conclude the proposal would conflict with the development plan and there are no material considerations, including the Framework, that would outweigh that conflict. Therefore, the appeal is dismissed.

Diane Cragg

INSPECTOR