



Appeal Decision

Site visit made on 1 November 2022

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2022

Appeal Ref: APP/Z4718/D/22/3306285

Beech Barn, 2 Deer Croft, Farnley Tyas, Kirklees, Huddersfield HD4 6BR

- 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 & Mrs McBurney against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/91003/E, dated 23 March 2022, was refused by notice dated 15 June 2022.
 - The development proposed is first floor extension to side of property & small extension to rear of property.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: -
 - whether the proposal would preserve or enhance the character or appearance of the Farnley Tyas Conservation Area; and
 - whether the proposal would provide acceptable living conditions for the occupiers of Beech Barn, 2 Deer Croft by reason of outdoor amenity space; and (2) the effect of the proposal on the living conditions of the occupiers of 1 Deer Croft by reason of outlook and light.

Reasons

Conservation Area

3. The appeal site comprises a detached stone built house within a new residential development in the Farnley Tyas Conservation Area. The Conservation Area covers most of Farnley Tyas. Its significance is as a rural village characterised by stone built tightly knit properties of a traditional form and design. The development, which the appeal site forms a part of, is also tightly knit and includes fairly large houses with small amounts of amenity space.
4. The rear extension would be constructed in masonry and timber and although modest in size includes a prominent chimney that would extend upwards in front of a first floor bedroom window. This introduces an awkwardly designed addition that would appear at odds with the character and appearance of the house itself. Although I do not find that the materials of construction would unduly conflict with the materials of the house itself, its design fails to respect or complement the traditional form and design of the original house. Although, this is to the rear of the house, the layout of this housing development is such

that even a modest sized extension such as this can be seen from adjoining properties and therefore has an impact on the overall character and appearance of this development within its wider setting.

5. As the appeal site is within the Farnley Tyas Conservation Area, I have had regard to Section 72(1) of the Town and Country Planning (Listed Buildings and Conservation Areas) Act 1990 which requires that special regard be had to preserving or enhancing the character or appearance of a Conservation Area. Although this is a relatively recently constructed house, it follows traditional design characteristics and reflects the wider Conservation Area. However, given the awkward design of the rear extension in relation to the traditional form of the existing house, I do not consider that the character or appearance of the Conservation Area is preserved.
6. The National Planning Policy Framework¹ establishes that great weight should be given to the significance of a designated heritage asset's conservation. Due to its design, and in particular, the chimney, I consider that the proposal would result in less than substantial harm to the significance of the Conservation Area. No public benefits of the proposal have been put forward to weigh against this harm.
7. The appellants point out that the chimney/flue to the single storey rear extension has been designed so that it would be in accordance with Building Regulations. Nonetheless, this does not justify the poor design of the development.
8. The decision notice refers to the adverse impact on the Conservation Area of the rear extension only and not the side extension. I also do not consider that this would have an adverse effect on the Conservation Area nor the design and appearance of the house itself.
9. I conclude that the proposal would fail to preserve the character and appearance of the Farnley Tyas Conservation Area. It would conflict with Local Plan² Policy LP35 and guidance in the Framework which seeks to ensure development preserves or enhances the significance of heritage assets. Furthermore, it would conflict with Local Plan Policy LP24 and SPD³ Key Design Principles 1 and 2 which promote good design by, amongst other things, respecting local character and the design of the original house.

Living Conditions

10. The character of the houses on this development is such that proportionally there is only a modest area of garden space to the rear of the house with additional space to the side for storage for refuse bins and other domestic paraphernalia. The reduction of the space to the rear would result in the house having a disproportionately small amount of outdoor amenity space. Given that the amenity space is already very limited, reducing it by even the modest amount proposed, would create a poor living environment for the occupiers of the existing house.

¹ Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework).

² Kirklees Council – Kirklees Local Plan Strategy and Policies, Adopted 27 February 2019.

³ Kirklees Council – House Extensions and Alteration SPD, June 2021.

11. The neighbouring house, 1 Deer Croft, is orientated so that it faces the side elevation of No 2. It has a detached garage between the house and the boundary with No 2 but this only partly obscures any outlook from the front windows. Notwithstanding that there have been no objections from the occupiers of the neighbouring house, given that the houses have been designed to create a tight knit character, bringing the upper part of the gable wall much closer would reduce this space between Nos 1 and 2 at first floor level. Due to the resulting close proximity between the houses, and its height, the first floor extension would be overbearing and create a poor outlook and restrict light into it when viewed from the front windows of No 1.
12. The appellant states that only two habitable rooms have windows facing the side elevation of No 2, a first floor bedroom and a ground floor living room. However, I saw on site that other than a large cart door style opening in the front elevation of No 1, most of the other windows are modest in scale. Therefore, the outlook from them is highly sensitive to change. Sales particulars have been submitted with the appeal documents which indicate that the living room also has windows in the side elevation, but these are also small and allow for limited light into No 1. Moreover, the glazed cart door opening provides natural light to the entrance hall and upper landing and whilst these areas may not be habitable rooms, the glazing is a key feature in the design of the house and thereby reducing the light reaching these windows would also compromise the living conditions of the occupiers of the house.
13. Due to the position of the houses and No 1's garage, there would be some overshadowing from the proposed side extension but this would be mainly to a small area in front of the house.
14. I have found that the living conditions of the occupiers of the existing house and that of the neighbouring house, 1 Deer Croft, would be harmed by the proposed development for the reasons set out. This would conflict with Local Plan Policy LP24, which amongst other things, seeks to achieve high standards of amenity as does the SPD in relation to its Key Design Principles 4, 5 and 6 regarding habitable rooms, loss of light and outlook.

Other Matters

15. The appellant refers to other examples of similarly designed extensions to the proposed rear extension. However, these indicate different designs and are not shown in the full context of the properties that they relate to. I do not therefore consider them sufficiently comparable to alter my decision. I note the appeal decision referred to by the appellant⁴, but I do not find that there are enough similarities, based on the information before me, to consider them comparable. Also, the Framework supports innovative design but I do not consider that the proposed rear extension is especially innovative but rather it would fail to respect the design of the original dwelling.
16. Other matters have been raised with regard to the principle of development and the design, materials and detailing of the two storey extension, and highway safety. Whilst there is no dispute between the parties on these matters, they carry insufficient weight to overcome the harm I have identified.

⁴ Appeal Ref: APP/Z4718/D/14/2213548.

Conclusion

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

J D Clark

INSPECTOR