



Appeal Decision

Site visit made on 16 May 2023

by Anne Jordan BA (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2 June 2023

Appeal Ref: APP/Z4718/W/22/3312696

Land at Stoneleigh Mews, Bryan Road, Edgerton, Huddersfield, HD2 2AH

- 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 MD Construction Ltd against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/90704/W, dated 25 February 2022, was refused by notice dated 11 August 2022.
 - The development proposed is erection of two dwellings and associated works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. My attention has been drawn to issues relating to the certification provided with the application. The Council have treated the application as valid and so I have determined the appeal accordingly. I have also been advised of concerns relating to the implementation of a S106 Agreement which affects the site. This matter does not prevent me from determining the application.

Main Issues

3. The main issues for the appeal are:
 - The effects of the proposal on protected trees;
 - The effects of the proposal on the character and appearance of the Edgerton Conservation Area (CA) and whether the proposal would preserve the special interest of the Grade II listed Stoneleigh and Beechwood and Grade I listed Bannery Royd;
 - The effects of the proposal on protected species.

Reasons

Protected Trees

4. The site lies within the Conservation Area and contains an area which is subject to a Tree Preservation Order (TPO). This is a dense area of woodland with a range of mature and semi-mature trees of varied species.
5. The application is supported by an arboricultural report. Although this assesses the health of trees within the site and makes recommendations in relation to

retention or removal, it makes no assessment as to the effects of the proposal on the trees on site. It also dates from 2016 and so is no longer up to date.

6. Having reviewed the proposed site plan and the information within the arboricultural report I note that the trees labelled T12 and T13 lie close to or within the route of the proposed access. T114 and T115 lie either within or close to the parking area and footprint of the proposed dwellings. T17 and G19 lie very close to the dwelling. It seems to me likely that these trees would need to be removed to facilitate the development. These trees were found to be healthy in 2016 and worthy of retention. Furthermore, trees along the south-western and western boundary would be likely to overshadow the garden of one of the dwellings leading to potential pressure for future removal.
7. Policies LP24(i) and LP33 of the Kirklees Local Plan (LP) together, amongst other things, seek to ensure that new development proposals retain any valuable or important trees where they make a contribution to the distinctiveness of a specific location. In this case the trees, as part of a wider group, contribute to the verdant character of the area and the importance of the trees is recognised is the protection given by the TPO and the inclusion of the wood within the Conservation Area. In the absence of an assessment which indicates that the trees would not need to be removed, or that their removal would be beneficial or would have a neutral effect on the woodland as a group, I must conclude that the development would lead to the removal of trees and that this would diminish the contribution the woodland makes to the leafy and pleasant character of the area.
8. Accordingly, the removal of trees would conflict with Policies LP24(i) and LP33 of the LP and with guidance in the National Planning Policy Framework (the Framework) which states that existing trees should be retained wherever possible.
9. The proposal would also fail to reflect Principle 7 of the Housebuilders Design Guide Supplementary Planning Document (SPD) which seeks, where possible, to retain existing valuable trees.

Effect upon heritage assets and character and appearance of the area

10. S16(2) and S66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 require special regard to be had to the desirability of preserving a listed building or its setting or any features of special architectural or historic interest which it possesses. S72(1) of the Act requires special attention to be had to the desirability of preserving or enhancing the character or appearance of a Conservation Area.
11. Policy LP35 of the LP seeks development which preserves or enhances the significance of the assets and states that proposals should retain those elements of the historic environment which contribute to the distinct identity of the Kirklees area. The policy reflects the statutory duties defined in the Act.
12. The site lies within the Edgerton Conservation Area. The Council have identified three listed buildings with settings which they consider would be impacted by the development proposal.
13. To the west of the site lies Bannery Royd, a Grade I listed building designed by Edgar Wood around the turn of the last century. It is an imposing stone property with an extended non-symmetrical plan form. Art-Nouveau detailing is

evident on the door mouldings and extended chimneys and I understand that this elaborate style is carried over in various internal features. The property is set in attractive formally laid out gardens which contrast with the mature woodland which surrounds the site. There is very limited intervisibility between the site and this asset, although the extended woodland in which the appeal site sits forms part of the wooded environs of the asset.

14. To the east of the site lies Stoneleigh, a Grade II listed building constructed in the mid 19th Century in stone with a slate roof. It has ornate fluted gables, steep pointed arched windows, a tower with a pyramidal tiled roof and long extravagantly detailed chimneys. The property, which would originally have been a single residence has been converted to flats and some of the original internal detailing is understood to be intact. The property sits in formal gardens which allow long ranging views in which to appreciate the elaborate external detailing of the asset. These grounds are surrounded by established woodland which contributes to the secluded character of the building. Some limited views are available from the vicinity of the appeal site and the asset.
15. To the south-east lies Beechwood, a Grade II listed building constructed in ashlar stone with a hipped slate roof. It has a symmetrical frontage with a central porch with Ionic columns. The imposing classical appearance of the main façade has been eroded by later unsympathetic additions and alterations. The property sits in established gardens which are surrounded by mature planting which prevents intervisibility between the asset and the appeal site.
16. The significance of Bannery Royd and Stoneleigh and to a lesser extent Beechwood lies in their importance as well preserved examples of individually designed residences of their time, in the quality of internal and external design, and in part in the contribution the space around the buildings in which they are appreciated makes to the character and appearance of the wider area. The importance of this space is recognised in the Conservation Area Appraisal for the area, which identifies this part of the CA as being characterised by large detached properties, often screened by trees, set in generous gardens or parkland. It also identifies that poor quality and inappropriate modern development within the gardens and spaces around dwellings in this part of the CA has eroded part of its special character.
17. To the east and immediately adjoining the appeal site sits Stoneleigh Pavillions. This is a large and uncompromisingly contemporary block of flats. The balanced proportions of the frontage and the quality of materials in which it is constructed present an imposing façade.
18. The appeal proposal comprises two detached dwellings, the design of which in part reflects the modern design of the adjoining block. Nevertheless, the dwellings would have the proportions of small modern detached dwellings and the arrangement of the openings on both the front and rear elevations would result in a disjointed appearance for both frontages. The use of UPVC, render and concrete roof tiling the buildings would also be at odds with the refined materials evident on the other buildings identified. Together these factors would result in buildings with an incongruously domestic appearance, entirely at odds with the individual detailing and grander scale of the other buildings evident in the area.
19. Furthermore, and crucially, the sylvan setting of the existing buildings provides an important foil against which the heritage assets are appreciated. The

introduction of built form into the area of woodland would erode this space and thereby harm an important attribute which contributes to the setting of the adjoining assets of Bannery Royd and Stoneleigh and also forms an important characteristic of the Conservation Area.

20. Accordingly, the proposal would fail to preserve or enhance the special interest of the Edgerton Conservation Area and so would conflict with Policy LP35 of the LP. It would also conflict with the Framework, which has similar aims.
21. The proposal would also fail to reflect Principles 2 and 13 of the Housebuilders Design Guide Supplementary Planning Document (SPD) which together seek development which reflects the character of the built and natural environment within the locality.

Protected Species

22. The proposal is situated within the Kirklees Wildlife Habitat Network Corridor (KWHN). The Council have also advised that the proposal lies within an area identified as having the potential to provide a habitat for bats. Policy 30 of the LP seeks to safeguard and enhance the function and connectivity of the KWHN unless the loss of the site and its functional role within the network can be fully maintained or compensated for in the long term. The Framework requires that development should contribute to and enhance the natural and local environment by minimising impacts on and providing net gains for biodiversity, including by establishing coherent ecological networks.
23. The application was not supported by any form of ecological assessment and so it is not possible to ascertain either the likely impact of the works, or whether these could be appropriately mitigated. The development would lead to the loss of trees and reduce the extent of the woodland, thereby potentially reducing the contribution the woodland can make as a wildlife habitat.
24. I have considered whether mitigation measures, and measures to achieve biodiversity net gain could be secured by condition. However, in the absence of any ecological assessment I cannot ascertain what the extent of these measures might be and so cannot conclude that such a condition would be effective.
25. I therefore conclude that the proposal has the potential to cause unacceptable harm to protected species and would not safeguard the function and connectivity of the KWHN. It would thereby fail to comply with Policy 30 of the LP and with the Framework, which has similar aims.
26. The proposal would also fail to reflect Principle 9 of the Housebuilders Design Guide Supplementary Planning Document (SPD) which seeks to provide net gains in biodiversity, with ecological enhancement integral to the design of the development.

Other Matters

27. The proposal would provide two dwellings in a sustainable location which would contribute towards meeting local housing need. Whilst I attribute this benefit significant weight this would not outweigh the harm identified above.

28. I note the concerns of residents in relation to both highway safety and residential amenity. However, these matters would not alter my conclusions above.

29. My attention has been drawn to iss

Conclusion

30. Accordingly, for the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Anne Jordan

INSPECTOR