



Appeal Decision

Site visit made on 17 May 2023

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st June 2023

Appeal Ref: APP/Z4718/D/23/3314099

30 New Row, Thurstonsland, Huddersfield HD4 6XX

- 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 and Mrs Sharrock against the decision of Kirklees Council.
 - The application Ref 2022/62/92585/E, dated 1 August 2022, was refused by notice dated 10 November 2022.
 - The development proposed is alterations to dwelling.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The appellant has submitted an amended Proposed Ground Floor Plan (22/814/05a) which shows only one of the existing openings on the southern elevation of the appeal property replaced with double glazed doors. I acknowledge that in submitting this drawing the appellant has simply sought to find an acceptable solution and address the concerns of the Council. However, the *Procedural Guide: Planning Appeals – England* is clear that the appeal process should not be used to evolve a scheme and it is important that what is considered by an Inspector is essentially what is considered by the local planning authority, and on which interested people's views were sought. The amended scheme is materially different to the one before me and would deprive those who should have been consulted on the change such an opportunity. Accordingly, I find it only open to me to consider the proposal that is before me and on which the Council consulted and made its decision.

Main Issue

3. The main issue in this case is the effect of the proposed alterations to the character and appearance of the Thurstonsland Conservation Area.

Reasons

4. No.30 New Row (No.30) is a mid-terrace two-storey cottage, set well back from The Village behind a garden, with its principal elevation to the south overlooking open fields. It is proposed to remove a pair of ground floor mullioned windows from this southern elevation and replace them with a set of powder-coated aluminium windows. To the north elevation (to The Village) it is proposed to lower the existing cill of the living room window to form an internal window seat.

5. No.30 is within the Thurstonland Conservation Area (the CA). The boundary of the CA relatively tightly drawn, centred on Manor House Farm and those buildings either side of The Village. There is 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 and appearance of conservation areas. The significance of the CA is derived from its collection of traditional vernacular stone cottages and farm buildings, which typically have a simple plan form, slate roof pitches and mullion windows. No.30 forms part of a short terrace of cottages that have an attractive composition and, although only semi-public views are available of the southern elevation, it nonetheless makes a positive contribution to the character and appearance of the CA and its significance.
6. I observed on site that the ground floor window on the southern elevation of No.30 has previously been enlarged and the cills have been lowered. It does however retain the characteristic central mullion and its dimensions are in keeping with the general form and rhythm of window openings across the southern elevation of the terrace. The proposal would remove the existing cill, central stone mullion and four courses of stonework to provide the opening for the sliding doors and level access to the cottage. The loss of these traditional details and their replacement with very contemporary aluminium sliding doors would appear unsympathetic to the south elevation of the cottage and would detract from the rhythm and composition of the wider terrace.
7. The lowering of the cill of the ground floor window the northern elevation of the cottage (by only 450mm) would have a neutral effect on the character and appearance of the CA.
8. On the main issue, I therefore conclude that the proposed alterations to the southern elevation would cause harm to the character and appearance of the host cottage, the terrace and the CA. I find that harm to be less than substantial. Paragraph 202 of the National Planning Policy Framework (the Framework) requires such harm to be weighed against the public benefits of the proposal. In this case, the opening up of the southern elevation would improve the internal arrangement of the cottage but this would only be a private benefit to its occupiers. Therefore, in addition to failing to meet the statutory duty at S72(1) of the Act, the proposal would conflict with the guidance in the Framework. It would further conflict with Policies LP24(a) and LP35 of the Kirklees Local Plan Strategy and Policies (2019) and Key Principle 1 of the House Extensions and Alterations Supplementary Planning Document which together require good design that respects and enhances local character, and preserves or enhances the significance of heritage assets.

Conclusions

9. For the reasons given above, I conclude that the appeal is dismissed.

R Jones

INSPECTOR