



Appeal Decision

Site visit made on 7 August 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 August 2023

Appeal Ref: APP/Z4718/D/23/3316367

Abinger Mistle, Scholes Moor Road, Scholes, Holmfirth HD9 1RU

- 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 Lewis against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/93909/W, dated 2 December 2022, was refused by notice dated 30 January 2023.
 - The development proposed is described as 'detached single storey outbuilding.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. Since the development has been carried out, retrospective planning permission has been sought. In the banner heading above 'retrospective' is removed from the planning application form description, as it is not a form of development.

Main Issue

3. Whilst the Council references the loss of garden/amenity space within the reason for refusal, the officer report clarifies that the Council is not concerned regarding the impact of the proposal on the living conditions of the existing occupiers. Likewise, no reasons for refusal associated with harm to the Green Belt have been advanced and I see no reason to disagree with this view. Consequently, the main issue of this appeal is the effect of the development upon the character and appearance of the area.

Reasons

4. The appeal site comprises an end of terrace dwelling forming part of a converted agricultural barn. Fields pepper-potted with occasional dwellings and agricultural development form the surrounding area. Despite being heavily altered, the appeal site contributes positively to the rural character of the area as part of a linear range of buildings, with a cat slide roof and local stone walls.
5. The outbuilding sits prominently adjacent to Scholes Moor Road and the vehicular access to the terrace. Although single-storey it has a large scale arising from its height and wide footprint. Being open-sided does give a rural feel to the building but not in a traditional sense, given that the opening sits under the asymmetrical side of the mono-pitched roof. This gives it a somewhat uncharacteristic and unusual appearance. Whilst the plans indicate the use of the building as an implement and garden store, there are no doors to secure or screen the contents from open view. Furthermore, at the time of my visit it was being used to park a vehicle. In south-westerly views from Scholes Moor Road it has the appearance of a domestic car port which presents visual clutter that detracts from the setting of the barn conversion complex. It

is unclear whether the building is finished however, the installation of a roller shutter type door would further detract from the appearance of the building.

6. Moreover, the outbuilding despite the use of reclaimed materials, presents a high eaves height to the road with differing stone and method of coursing such that it appears to intercept, rather than form part of the wider roadside wall. Whilst a metal roof is not itself inappropriate in a rural setting, the dark, chunky cladding to the eaves emphasises the shallow form of the roof and its contrary orientation and appearance to the roof forms of the dwelling and the wider terrace. In this regard the development fails to comply with the Kirklees House Extensions and Alterations SPD (2021) which advises that outbuildings should reflect the style, shape and architectural features of the existing house.
7. It is suggested that the outbuilding was constructed on a smaller scale to a building that previously occupied a similar position. Be that as it may, the previous building was demolished, and the wider context of the site has changed following the domestic conversion of the barn. Given the unequal wall heights and rudimentary nature of the roofing material, the appellant's photographs indicate that the previous building was modified from a taller structure, rather than being purpose built in that form. The original building although of a larger footprint had a lower height and overall scale, with the open frontage facing into the farmyard away from Scholes Moor Road. The development therefore differs considerably from the previous building, such that it does not justify the harm exerted to the character and appearance of the area from the current outbuilding.
8. The development adversely effects the character and appearance of the area. It is therefore contrary to Policies LP24 and LP57 of the Kirklees Local Plan; Strategy and Policies (2019) which seek amongst other things that development is of a form, scale, layout and details that respects and enhances the character of the landscape including the Green Belt setting. The development also fails to comply with Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan 2021-2031 (2021) which seek to ensure development respects the scale, mass, height and form of existing buildings and minimises its visual impact on the landscape setting.

Other Matters

9. I note the letters of support from interested parties. However, I have come to a different view regarding the impact on the character and appearance of the area for the above reasons. There is no evidence before me to indicate that the privacy of neighbouring occupiers would be significantly harmed were the building not in situ. In any event, any perceived privacy benefit would not outweigh the harm identified to the character and appearance of the area, given that there are likely to be other ways of achieving privacy.
10. The lack of harm with regard to the loss of garden area is neutral in the planning balance weighing neither for, nor against the proposal.

Conclusion

11. For the reasons given above having considered the development plan as a whole, and all other considerations, the appeal is dismissed.

M Clowes

INSPECTOR