



Appeal Decision

Site visit made on 8 January 2024

by R Major BSc (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30th January 2024

Appeal Ref: APP/Z4718/W/23/3324432

Open Land Adjacent 962 New Hey Road, Outlane, Huddersfield HD3 3FE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant outline planning permission.
 - The appeal is made by Mrs Goodison against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/60/91328/W, dated 13 April 2022, was refused by notice dated 20 January 2023.
 - The development proposed is residential – one single storey dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Outline planning permission is sought with access, appearance, layout and scale to be considered at this stage. I have determined the appeal on this basis.
3. Subsequent to the Council issuing its decision the revised National Planning Policy Framework (the Framework) was published on 19 December 2023 and updated on 20 December 2023. The amendments to the Framework do not affect the matters that are in dispute in the determination of this appeal. Where reference is made to the Framework in this decision, the paragraph numbers are those that appear in the latest version.
4. Additionally, since the Council issue its decision the 2022 Housing Delivery Test (HDT) results were published on 19 December 2023. Both parties were invited to provide additional comments on the HDT results and the comments received have been taken into consideration in the determination of this appeal.

Main Issue

5. The main issue is the effect of the proposal on the setting of the nearby listed building at Nos. 1-3 Daisy Lea, and the character and appearance of the area in general.

Reasons

6. The appeal relates to a rectangular parcel of grassland situated between the dwellings at Nos. 956 and 962 New Hey Road (A460). The site is situated within a semi-rural location, with a variety of building ages and designs found in the wider area, representing the evolution of the settlement of Outlane.

7. The appeal parcel fronts onto New Hey Road and is enclosed by drystone walls on all sides. To the rear the appeal site is visually dominated by a terrace row of residential properties at Nos. 1 – 5 Daisy Lea, which are accessed via a track situated between the appeal site and the gable end of the dwelling at No. 962 New Hey Road.
8. The three properties at Nos. 1, 2 and 3 (Nos. 1-3) Daisy Lea are all listed (Grade II) and in determining this appeal I have a statutory duty, under Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to have special regard to the desirability of preserving the setting of the listed building, and any features of special architectural and historic interest.
9. According to the listing description the two storey buildings at Nos. 1-3 Daisy Lea were built in the late 18th or early 19th Century and are constructed in hammer-dressed stone with a stone slate roof. In the front elevation facing the appeal site, two of these listed properties have retained the distinctive 4-light flat faced mullion windows and doorway at ground floor level, with surrounding monolithic jambs. Furthermore, all three properties have two 3-light windows at first floor level, in their front elevations. These are features of architectural interest within the front elevation of this listed building, which add to its significance.
10. The appeal site makes an important contribution to the setting and significance of the listed building. It provides an open aspect directly to the front of the terrace row at Daisy Lea, allowing for clear views of the listed building and its features of architectural interest in the front elevation from New Hey Road, as well as from longer views, including from the M62 Motorway.
11. The setting is only further enhanced by the terrace row being set back significantly from the highway, and the existing properties either side at 956 and 962 New Hey Road providing a flanked gateway view which increases the prominence of the terrace row. Whilst recognising that the properties either side are clearly of a different age and architectural design. Their general scale, form and building line all contribute to a sense of symmetry either side of the terrace row, with the appeal site being pivotal to the sense of openness to the front of the listed building, and the terrace row in general.
12. The proposed dwelling, and any associated domestic paraphernalia that could be located within its large side garden area, would interrupt the open aspect to the front of the terrace row, removing the symmetry currently provided by the buildings either side of the appeal site. The proposed dwelling would also partially obscure views of the features of architectural interest in the front elevations of listed building when travelling along New Hey Road from the northeast. The development would therefore have a harmful impact upon the setting of this terrace row and listed building within it.
13. The proposed dwelling has been positioned to the side of the plot in order to reduce the impact on the setting of the listed building. Nevertheless, this siting would itself appear at odds with the surrounding grain and pattern of built development in this area, which is predominantly characterised by buildings situated centrally within their plot.
14. Furthermore, the narrow design of the proposed dwelling would jar with the surrounding built form which is largely characterised by buildings having a wider built frontage onto New Hey Road. The visual impact of this is only

exacerbated by the single storey nature of the proposal which would be out of keeping with the two-storey properties currently surrounding and enclosing the appeal site.

15. I note the appellant's comments that the dwelling has been designed with a simple rectangular form; architectural detailing that represents local vernacular; would be constructed using natural materials; and provides for a barn-like building that is traditionally found in the area.
16. Whilst I acknowledge that the proposed natural materials would be in keeping with the surroundings, the proposal would be for a new-build dwelling with a large residential curtilage, and therefore would not have the historic character of a traditional barn within a farmstead.
17. Furthermore, the window openings within the proposed dwelling would be consistent in design and regimented in layout, and this is not characteristic of a converted barn, which would likely have different sized openings and a more ad-hoc fenestration arrangement. Consequently, the layout, design and appearance of the proposed dwelling would represent a contrived and incongruous feature on the appeal site.
18. There is a dispute between the parties as to whether the appeal site forms part of the curtilage of the listed building at Nos. 1-3 Daisy Lea, and therefore whether the drystone wall enclosing the appeal site is listed by curtilage.
19. However, despite the professional judgement of the Council's conservation adviser there is nothing to confirm this within the listing description, both in terms of the text and the accompanying map. As this issue is neither clear or definitive, and given that I have found harm in other respects, I give this matter limited weight.
20. In view of all the above, the proposed dwelling would harm the special architectural and historic interest of, and the setting of, the listed building at Nos. 1-3 Daisy, and would also cause harm to the character and appearance of the area in general.
21. In terms of the Framework, the harm to the significance of the listed building would be 'less than substantial'. Therefore, in accordance with paragraph 208 of the Framework this harm must be weighed against the public benefits.
22. The appellant's submission acknowledges that the proposed dwelling would cause less than substantial harm to the setting of the listed building, and states that the erection of a small-scale dwelling in this location to meet the specific needs of the appellant's parents is a sufficient public benefit to outweigh this less than substantial harm. The appellant's submissions do not however expand upon this issue further or explain the specific needs of the appellant's parents. In the absence of any such information, I attach very limited weight to this matter as a public benefit.
23. I accept that the delivery of one additional dwelling is a benefit arising from this proposal as it would positively contribute to the Council's housing land supply, albeit in this respect the benefits of a single dwelling would be very modest. Furthermore, limited economic benefits would also likely arise from employment during the construction works, and occupation of the proposed dwelling through additional expenditure in the area. Nevertheless, paragraph 205 of the Framework requires great weight to be given to the conservation of the

heritage asset, and the public benefits arising from the appeal proposal would not outweigh the harm I have identified. Thus, the proposal would conflict with the Framework.

24. I conclude that the proposal would harm the setting of the listed building at Nos. 1-3 Daisy Lea, as well as harming the character and appearance of the area in general. The proposal therefore conflicts with Policies LP24 and LP35 of the Kirklees Local Plan Strategy and Policies (2019), which require, amongst other things, that all new development promote good design by ensuring the form, scale, layout and details respects and enhances the character of the townscape, heritage assets and landscape; and development affecting heritage assets preserve or enhance the significance of heritage assets, or where harm to a heritage asset is caused, there are substantial public benefits that clearly outweigh the harm.
25. The proposal is also contrary to the requirements of the Housebuilders Design Guide Supplementary Planning Document (2021) which requires new residential development to respect and enhance the local character of the area, and that the layout of new development maintains important views.

Planning Balance and Conclusion

26. The most recently published HDT results indicate that the Council's delivery of housing was below 75% of the housing requirement over the previous three years, and consequently paragraph 11(d) of the Framework applies. However, for the reasons detailed within this decision, the aforementioned harm to the designated heritage asset provides a clear reason for refusing the development in accordance with paragraph 11(d)(i) of the Framework. As such, the proposal does not benefit from the presumption in favour of sustainable development set out in the Framework.
27. Overall, I conclude that the proposal would harm the setting of the listed building at Nos. 1-3 Daisy Lea, as well as harming the character and appearance of the area in general. The proposal therefore conflicts with the development plan when taken as a whole, and the material considerations are not of sufficient weight which indicate that the proposal should be determined otherwise than in accordance with the development plan. Therefore, the appeal is dismissed.

R Major

INSPECTOR