



Appeal Decision

Site visit made on 29 January 2024

by Anthony J Wharton BArch RIBA RIAS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 08 February 2024

Appeal Ref: APP/Z4718/C/23/3319167

Orchard House, 84 New Road, Netherthong, Holmfirth HD9 3XY

- The appeal is made under section 174 of the Town and Country Planning Act 1990, as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Michael Thistlethwaite against an enforcement (EN) notice issued by Kirklees Metropolitan Council (the LPA).
 - The enforcement notice, reference DV/HG/D23-1331, was issued on 14 February 2023.
 - The breach of planning control as alleged in the notice is the erection of an outbuilding.
 - The requirements of the notice are as follows:
 - (a) Dismantle and demolish the timber-clad outbuilding in its entirety including any footings.
 - (b) Return the land to its condition prior to the breach taking place.
 - (c) Remove from the land any rubble and material arising from carrying out the above steps.
 - The period for compliance with the requirements is 60 days.
 - The appeal is proceeding on ground (a) only, as set out in section 174(2) of the Town and Country Planning Act 1990 as amended.
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Decision

1. The appeal is dismissed. See formal decision below.

Matter of clarification

2. The National Planning Policy Framework (NPPF) was revised on 23 December 2023 and any paragraph numbers quoted by the parties may no longer be correct. However, the various policies referred to in Sections 12 and 16 remain unchanged. I have, therefore, considered the quoted paragraphs under the new numbering system. In doing so, I am satisfied that no injustice will be caused to either the appellant or the Council.

The Appeal outbuilding and the surrounding area

3. The Appeal outbuilding is sited in the garden, to the west of the appellant's two-storey, detached, stone-built dwellinghouse, which was constructed in 2017. It is located approximately 60m to the north-east of New Road and is accessed via a narrow, private driveway. This is shared with the adjacent new house at No 86 New Road to the east, and the listed building 'Holmleigh Manor' (No 141 Church Street) to the west. It is also located to the south of a terrace of dwellings along Church School Street/Thong Lane which are at a higher level. To the south-east there are open agricultural fields and expansive views across the valley.

4. The site lies within the Netherthong Conservation Area (NCA) which was designated in July 2009 and comprises a varied mix of dwelling types, sizes and ages. The closest house to the outbuilding is the adjacent listed 'Holmleigh Manor'. Other listed buildings lie to the north and east along Church Street, School Street and Thong Lane. The nearest are numbers 133 and 135 School Street/Thong Lane.

5. The outbuilding has a footprint of just over 19m² and is 2.2m in height. It is clad in cream-coloured timber boarding and has black GRP flashings around the eaves of the flat roof. To the south elevation there are grey PPC Aluminium, Bi-fold doors, which open out onto a raised grey coloured timber decking platform which is accessed by steps from the garden. The outbuilding is used as an office for a *'Trauma Informed Yoga business'*, from where the appellant's wife broadcasts yoga sessions and virtual meetings.

The Appeal on ground (a)

Relevant Policy

6. The development plan policies are to be found in the Kirklees Local Plan (KLP) and the Holme Valley Neighbourhood Plan (HVNP). The relevant policies of the KLP are Policy LP24 (Design) and LP35 (Historic Environment). Policy 2 of the HVNP (Protecting and Enhancing the Built Character of the Holme Valley and Promoting High Quality Design) is the most relevant. The NPPF is a major material consideration and the policies in Section 12 (Achieving well-designed and beautiful places) and Section 16 (Conserving and enhancing the historic environment) are the most relevant.

7. In reaching my decision I have paid special attention to, and had special regard to, the statutory duties set out in Sections 72 and 66(1) of The Planning (Listed Buildings and Conservation Areas) Act 1990 (PLBCAA).

The Main Issues

8. The main issues are as follows:

- The effect of the outbuilding on the character and appearance of the Netherthong Conservation Area (NCA), and,
- The effect of the outbuilding on the settings of the nearby listed buildings

Effect on Character and Appearance of the NCA

9. The NCA derives its significance from the rich variety of traditional and historic vernacular buildings. The predominant building materials are Millstone Grit and slate. During my visit I walked around the NCA and noted the older buildings, as well as those built in recent years, including Nos 84 and 86. Most of these had generally been built using the typical materials to be found in other parts of the NCA, although I noted other dwellings and buildings which were more contemporary in their designs and use of materials .

10. The house at the corner of New Road and Church Street (No141A) had been re-furbished and, again, the detailing and finishes were typically traditional with Millstone Grit being used for repairs, window surrounds and chimneys. I noted that this was the case for other buildings and some extensions in the NCA. I also noted typical timber buildings such as garden sheds and stores

11. Having seen the appeal building and its decking area, I share the Council's concerns about the visual effects that the appeal outbuilding and decking works have had in this part of the NCA. I do not consider that the unauthorised works have respected the key characteristics of this part of Netherthong, particularly in relation to the overall design and choice of materials.

12. Policy 2 of the HVNP, amongst other things, states that *'Built Form and Materials should respect the scale, mass, height and form of existing buildings in the locality and the site setting'*. It goes on to state that development *'should fit in with and neither dominate nor have a detrimental impact on its surroundings and*

neighbouring properties.

13. In this case, I acknowledge that the outbuilding itself does not excessively 'dominate' the existing house in terms of its overall size. From the rear, it is seen as a reasonably sized addition to the west side of the property. However, when seen in conjunction with the raised decking area from the front garden, it appears as a large and obtrusive addition. I do not consider that it 'fits in with' No 84 itself, or with the adjacent imposing Georgian listed building, 'Holmleigh Manor'.

14. I acknowledge that some attempt has been made to ensure that the colour of the timber cladding matches that of the stonework. However, it is nowhere near a good match for the warm honey tones of the Yorkshire stone, particularly that on the south and west elevations of the house.

15. Instead, it has a rather dull grey-looking finish which contrasts markedly with the stonework. Furthermore, even since the notice was issued in 2023, it has weathered most negatively. The rear elevation and door are already badly affected by green mold and algae and the west elevation is also starting to decolourise noticeably.

16. In time this will only get worse and become even more obtrusive and visually harmful. Whilst a situation like this might be acceptable for a small garden shed, in my view it is totally unacceptable for a functioning outbuilding of this size. The black GRP finish at eaves level is also very crude and incongruous, again more akin to the detailing of a garden shed, rather than a well-designed outbuilding.

17. I therefore completely disagree with the contention, made on behalf of the appellant, that '*the design of the outbuilding is sympathetic to its surroundings*'. I agree with the LPA that the materials used do not reflect the character of No 84. They are most unsympathetic in this particular part of the NCA and do not represent its local character and fabric.

18. Neither do I accept that the outbuilding is subservient to the main property. From the rear it is perceived as being subservient but, from within the site the driveway the combination of the enclosure and the outbuilding result in it being perceived as a much larger development.

19. In terms of size alone, I do not consider that the outbuilding itself constitutes overdevelopment of the site. However, for the reasons set out above, I find it to be totally inappropriate in terms of its use of materials and its colour. It contrasts markedly with the dressed Yorkshire stone, the mullioned windows, and the traditional slate covered roof of No 84. The flat roof itself is acceptable in principle but the crude GRP edge finish adds to the detrimental and harmful visual effect of the painted timber structure.

20. In conclusion on this first issue and for the reasons set out above, I consider that the outbuilding neither preserves nor enhances the character or appearance of the NCA. It is, therefore, contrary to Policies LP24 and LP35 of the KLP; contrary to Policy 2 of the HVNP and contrary to policies within Sections 12 and 16 of the NPPF, which seek to achieve well-designed and beautiful places and to conserve and enhance the historic environment.

Effect on settings of nearby listed buildings

21. All of the nearby listed buildings are significant heritage assets and, as for the NCA, the NPPF stresses that great weight should be given to their conservation, which must include their specific settings. This is irrespective of whether or not any harm amounts to 'substantial harm', 'total loss' or 'less

than substantial harm'. All of the buildings are listed because of their important architectural, historic, and traditional vernacular features and both local and national policies seek to conserve and enhance the buildings and their settings.

22. Because of the distance involved, I do not consider that the appeal outbuilding has directly affected the settings of the buildings which are furthest away from the appeal site to the north-east and east, along School Street and Thong Lane. However, when viewed in the context of 'Holmfield Manor' and the listed buildings immediately to the north in Church Street (Nos 133 to 139) I find that the outbuilding detracts markedly from, and harms, the settings of these buildings.

23. When approaching, along the driveway, the timber-clad outbuilding and the fence are distinctly noticeable, and in my view, are alien features between the imposing 'Holmfield Manor', its tall stone gateposts and the new Yorkshire stone dwellings at Nos 84 and 86. Set between the stone structures of the two houses the outbuilding and fence have the appearance of a poorly designed garden shed, as opposed to a well-designed outbuilding.

24. I have already referred to the harm caused to the character and appearance of this part of the NCA. It follows that the appeal building also detracts markedly from the setting of this nearest imposing listed building. In addition, from a similar viewpoint, the closest listed buildings in Church Street can also be clearly seen to the rear of No 84. The timber-clad outbuilding and fence are distinctly noticeable in the foreground of these listed buildings to the north and, again, I consider that it also detracts from, and harms, their settings.

25. I accept that the harm caused to the settings of the listed buildings is less than substantial as referred to in the NPPF. However, the NPPF indicates that where this is the case any harm should be weighed against the public benefits of the proposal. In this case there are no public benefits.

26. For the above reasons I conclude that the outbuilding is also contrary to both local and national policies which seek to conserve and enhance the settings of the nearest listed buildings. The appeal also fails, therefore, on this second issue.

Overall Conclusion

27. I conclude that because the outbuilding neither preserves nor enhances the character or appearance of the NCA and also harms the settings of some of the nearest listed buildings, planning permission should not be granted for the retention of the outbuilding as enforced against. The appeal on ground (a) therefore fails.

Other Matters

28. I have taken into account all of the other arguments referred to on behalf of the appellant. I agree that the appeal building is not in a position, or within sufficient proximity of the neighbouring properties, to result in any harm to residential amenity through loss of privacy, outlook or overshadowing. I have also noted the importance and nature of the business carried out within the building and have taken into account the matters raised with regard to Policy LP10 of the KLP and the Historic England Advice Note 2.

29. I acknowledge that contemporary design and materials '*can and should be used*' and also that that DLUHC '*National Design Guide - Planning practice*

guidance indicates that well-designed places do not need to copy their surroundings.

30. However, the Advice Note qualifies the above by indicating that any contemporary design or materials must respect the historic context within which the development is carried out. In this case, for the reasons set out above, I have concluded that this poorly-designed outbuilding harms, rather than respecting, its historic context within the NCA and close to the nearest listed buildings.

31. I have noted the references to other developments in the locality where permissions have been granted for extensions which use contemporary designs and materials. However, there are no full details before me and, in any case, I have considered this appeal on its merits.

32. In reaching my final decision I have taken into account all other matters raised by the parties. These include the planning history of the site; all references to local and national policy; the initial appeal submissions; the appeal statements; the final submissions and all of the photographic evidence. However, none of these alters my conclusion on the main points at issue and nor is any other factor of such significance so as to change my decision.

Formal Decision

33. The appeal is dismissed and the enforcement is upheld. Planning permission is refused on the application deemed to have been made under Section 177(5) of the Act.

Anthony J Wharton

Inspector