



Appeal Decision

Site visit made on 5 March 2024

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 April 2024.

Appeal Ref: APP/Z4718/D/24/3336388

23 Rock Fold, Golcar, Huddersfield HD7 4AD

- 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 Stewart Brook against the decision of Kirklees Council.
 - The application 2023/02/92315/W, dated 1 August 2023, was refused by notice dated 13 October 2023.
 - The development proposed is demolition of existing shed and erection of replacement single storey front extension (within a conservation area).
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The description of development in the banner heading above has been taken from the Council's decision notice as it is a fuller, more accurate description than the one provided in the planning application form. The planning application was made retrospectively and I saw from my site visit that the single storey extension has been constructed.

Main Issues

3. The main issues in this case are the effect of the extension on:
 - the character and appearance of the host dwelling, the wider streetscene, the Golcar Conservation Area, and the setting of nearby listed buildings;
 - the living conditions of the neighbours at No.21 Rock Fold, with regards overlooking and privacy; and
 - parking provision and highway safety.

Reasons

Character and appearance

4. No.23 Rock Fold (no.23) is a two-storey detached dwelling located at the end of Rock Fold within the Golcar Conservation Area (the CA). Section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) requires me to pay special attention to the desirability of preserving or enhancing the character or appearance of that area. No.23 is also within the setting of No.21 Rock Fold and No.76 and 78 Handel Street, No.80 and 82 Handel Street and

- Nos. 3-4 Mount Pleasant, all Grade II listed. There is therefore a further statutory duty by reason of Section 66(1) of the Act which requires special regard to be given to the desirability of preserving a listed building, or its setting, or any features of special architectural or historic interest which it possesses.
5. Further, the guidance at paragraph 205 of the National Planning Policy Framework (the Framework) is that, when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation.
 6. No.23 was originally a garage, since extended and converted into a dwellinghouse. From the photograph provided in the appellant's evidence, prior to conversion, there was a timber shed to the front of the garage building. Although I have not been provided with the dimensions of the shed, it appears from that photograph to be a modest structure. The shed has since been removed and a single storey extension constructed to the front of No.23. The extension adjoins a retaining wall on the northern boundary of the property and projects along this around 6.2m from the front elevation of its host.
 7. The guidance at Key Design Principle 2 of the Council's *House Extensions and Alterations Supplementary Planning Document (2021) (SPD)* is that extensions should not dominate or be larger than the original dwelling and should be in keeping with the existing building in terms of scale, materials and detail.
 8. The extension is offset to one side of the principal elevation and although its eaves (around 2.4m from the ground) sit below the eaves of the existing ground floor pitched roof, its forward projection (and the depth of that projection) means it dominates its host. No.23 is stone build with a slate roof and stone window mullions. In contrast, the extension is constructed with dark-grey horizontal cladding, with a mono-pitch roof and uPVC windows. Rather than amplifying the subservience to its host, the extension appears an unsympathetic and discordant addition to it, in conflict with SPD Key Design Principle 2.
 9. The *Golcar Conservation Area Appraisal (CAA)* identifies that the significance of the CA is derived, in part, from an urban grain, characterised by small linear plots with little formal planning evident. The steep hillside is one of the defining features of Golcar which sets it apart from other weavers settlements in the Colne Valley. Rock Fold is typical of this character with properties on Mount Pleasant and Handel Street set at a much higher and lower level respectively, linked by stone steps and footpaths, with a close urban grain. I observed on my site visit that, although relatively recently built, No.23 makes a neutral contribution to that character.
 10. Building materials of historic Golcar are almost entirely stone and slate and the CAA describes these as contributing to the distinctive and coherent character of the CA. As described above, the materials used to construct the extension would contrast with No.23, appearing starkly modern. This would cause significant harm to the cohesiveness of the CA, failing to reflect the predominant materials of stone and slate. Further, I find the form of the extension – notably its long projection relative to its host, and mono-pitched roof – would appear incongruous in the context of the traditional pitched roof cottages on Rock Fold, as well as Mount Street and Handel Street. Its form, materials and siting results in a building that is unduly prominent and causes

harm to the character and appearance of the streetscene. It is therefore contrary to the guidance in SPD Key Design Principle 1 that extensions to residential properties should be in keeping with the appearance, scale, design and local character of the area and streetscene.

11. No. 21 Rock Fold and Nos. 76 and 78 Handel Street is a terraced pair of weavers cottages and Nos. 80 and 82 Handel Street a handed pair of cottages, both Grade II listed. The setting of these listed cottages is best appreciated from Handel Street, however, they nonetheless have a close relationship with Rock Fold because of the differences in levels. Although the setting of these buildings has already been compromised to a degree by the presence of No.23, I nonetheless found the extension would dominate the way they are appreciated from Rock Fold and in views along it, where all the nearby listed buildings can be seen together. Nos. 3-4 Mount Pleasant is a Grade II listed semi-detached part of mid C19 cottages, viewed as single storey from Mount Pleasant but is 3-storey, set down in the hillside toward Rock Fold. The scale, form and materials of the extension to No.23 would again cause harm to the appreciation of the rear elevation of No.3-4, disrupting the cohesion and composition of buildings on the hillside.
12. I therefore find that the extension would cause harm to both the character and appearance of the CA and the setting of nearby listed buildings. That harm would be less than substantial. Paragraph 208 of the Framework requires that where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, that harm should be weighed against the public benefits of the proposal, including, where appropriate, securing its optimum viable use. I have no evidence before me of any public benefits of the proposal.
13. Consequently, I conclude that the extension would cause harm to its host, the wider streetscene, the CA and the setting of nearby listed buildings. In addition to the conflict with the guidance in the Framework and SPD Key Design Principle 1 and 2, it would also conflict with Policies LP2, LP24(a) and (c) of the Kirklees Local Plan Strategy and Policies (2019) (LP) which together require development to be of a form, scale and detail that respects and enhances the character of the townscape and heritage assets, enhance the qualities of an area and are subservient to the original building. Finally, it would conflict with LP Policy 35 because it fails to preserve or enhance designated heritage assets.

Living conditions

14. The south elevation of the single storey front extension to No.23 is designed with double doors and side panels to a summer kitchen (closest to the main dwelling) and a single window to a bar lounge. The double doors and side panels have been finished in obscure glazing. However, the window to the bar lounge is clear and directly overlooks 3no. windows on the principal elevation of No.21 Rock Fold (No.21), as well as an amenity courtyard to the front of that dwelling.
15. Whilst it is acknowledged that the area between the extension and No.21 is used for car parking, the distance between the facing windows would be only 9.5m and I observed on my site visit that the relationship is uncomfortably close, such that there is an unacceptable level of overlooking and loss of privacy.

16. The appellant has suggested that a condition could be imposed requiring the window to the bar lounge to be non-opening and obscurely glazed, but, given the proximity, I nonetheless find there would remain a perception of loss of privacy for the occupiers of No.21. I do find the existing tight-knit character of the CA to be sufficient justification for the minimal separation distances in this case.
17. I therefore conclude on the second main issue that the extension would cause significant harm to the living conditions of the occupiers of No.21, through overlooking and loss of privacy. Consequently, the development conflicts with LP Policies LP2 and LP24(b) because it fails to protect the qualities of the area or provide a high standard of amenity for neighbouring occupiers, by maintaining appropriate distances between buildings. It further conflicts with the guidance at SPD Key Design Principle 3 that extensions should achieve reasonable levels of privacy for neighbours.

Highway safety and parking

18. The Council's concern is that the single storey front extension results in the loss of a parking space associated with No.23. Whilst I have no evidence to dispute this, I observed on my site visit two cars parked: one to the front of No.23; and a second on land at the end of the front extension, which is within the ownership of the appellant. This still allowed sufficient space for vehicles to turn at the end of Rock Fold and therefore access Knowl Road and Handel Street in forward gear.
19. For this reason, I am not persuaded that the extension has such an adverse effect on the arrangement of parking (as originally intended) that it raises a highway safety, or parking capacity concern. The extension does not therefore conflict with LP policies LP21 or LP22, or SPD Key Design Principle 15, in so far as they together require new development to avoid a detrimental impact on highway safety and provide minimum 'in curtilage' parking spaces for private cars. I have not been provided with a copy of the Council's *Highway Design Guide*.

Conclusion

20. Notwithstanding my conclusion regarding the absence of harm to highway safety and parking, for the reasons given above, I conclude that the extension causes significant harm to both character and appearance, and living conditions. The appeal is therefore dismissed.

R Jones

INSPECTOR