

Appeal Decision

Site visit made on 8 July 2024

by Paul Martinson BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 August 2024

Appeal Ref: APP/Z4718/D/24/3342281

145 Church Street, Netherthong, Holmfirth HD9 3EA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr B Thorpe against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2023/62/93445/W.
 - The development proposed is Erection of garage and gym/office.
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Decision

1. The appeal is allowed and planning permission is granted for the Erection of garage and gym/office at 145 Church Street, Netherthong, Holmfirth HD9 3EA in accordance with the terms of the application, Ref 22/00596/FUL, dated 21 March 2022, subject to the conditions set out in the attached schedule.

Preliminary Matters

2. The appeal property is located within the Nethergong/Dean House Conservation Area. A Grade II listed building¹ referred to on the National Heritage List for England as '141A,Thong Lane' adjoins the appeal property. I have therefore had special regard to sections 66(1) and 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).

Main Issue

3. The main issue is whether the proposed development would preserve or enhance the character and appearance of the Nethergong/Dean House Conservation Area (the CA).

Reasons

4. The CA extends over a large part of Netherthong, the centre of which comprises of narrow winding streets lined by houses and cottages and some high stone walls, which together provide a strong sense of enclosure. Routes into the CA from the surrounding countryside are typically well wooded and more open. Building heights vary which is in part due to the varied topography across the CA. Buildings are typically constructed of stone and

¹ List Entry Number: 1313606.

often front the pavement edge, although some are set back behind modest front gardens. Wooded open spaces lie to the edges of the village and the area around Dean Brook. I saw on the site visit that modest sized garages were present in some locations.

5. Pertinent to the appeal, based on the limited information supplied, the character and appearance and thus the significance of the CA stems from the sense of enclosure provided by the arrangement of the houses and cottages and stone walls, the corresponding more open and wooded fringes, the consistency in materials, and the variations in height and topography.
6. The appeal building is a relatively recently constructed stone three storey dwelling that is attached to a mid-eighteenth century Grade II listed property. It forms part of a row of three storey properties and incorporates elements of the adjacent historic dwelling into its design. It is located on a prominent corner on New Road and the road slopes down towards a wooded area past the appeal site. The rear and side garden is bounded by a high stone wall with capping, which steps down in line with the slope of the road. This is set in slightly from a much lower stone wall. Both walls are highly visible in views from New Road and the churchyard to the opposite side of the road. Nonetheless as a dwelling built to a traditional design and incorporating stone walls, at the edge of the more enclosed part of the CA, the appeal property reinforces that significance of the CA.
7. The appeal proposal would incorporate the existing high stone wall to form the roadside elevation of the building. The wall would be increased in height slightly to match the adjacent gate piers for much of its length with the step towards the back of the site being removed to provide a consistent eaves height. Whilst the building would have considerable length adjacent to the road, it would be based on the length of the existing wall. Furthermore, taking into account the scale of the adjacent three storey dwellings, it would not appear out of scale in this context. The proposed pitched roof would slope away from New Road, whilst its position adjacent to the roadside would reflect the sense of enclosure that characterises the CA. With its stone walls and stone slate roof, the building would also be reflective of the consistency in the materials that contribute to the significance of the CA.
8. Whilst the area beyond the step to the rear of the site would have the biggest increase in height of the existing wall, this area would have a lower height compared to the rest of the building due to its flat sedum roof. This lower height would help to minimise the impact of the development. The sedum roof itself would be predominantly obscured by the proposed pitched roof in views travelling down the slope of New Road (south). In views travelling north up the slope it would be seen through the adjacent trees and alongside a tall wall that exists outside of the appeal site. More distant views from the churchyard would also be seen within this context. Consequently, this relatively small section of the overall structure would not appear overly prominent in public views.
9. I am therefore satisfied that the proposal would represent a harmonious addition to the CA, that would not be overly prominent in views from the churchyard or in any other public views. The proposal would therefore preserve the character and appearance of the CA.

10. Consequently, I do not find any conflict with Section 72(1) of the Act. The proposal would also conform with the Framework and Policies LP24 and LP35 of the Kirklees Local Plan (2019) (the KLP), Policies 1 and 2 of the Holme Valley Neighbourhood Plan (2021) (the NDP) which, together, seek to ensure development proposals constitute high quality design that conserves heritage assets in a manner appropriate to their significance. The proposal would also comply with the guidance in the Kirklees House Extensions and Alterations Supplementary Planning Document (2005) insofar as it guides that extensions should be subservient to the host dwelling and reflect local distinctiveness in terms of scale, proportions and height.
11. In finding no harm to the significance of the designated heritage asset, the requirement to undertake a heritage balance as set out in the Framework is not engaged.

Conditions

12. I have had regard to the conditions suggested by the Council and considered them against the tests in the Framework and the advice in the Planning Practice Guidance. In addition to conditions requiring commencement with the standard statutory period and compliance with the approved plans, I have attached a condition requiring the submission of details of bird nesting features. This is in the interests of ensuring that adequate biodiversity enhancement measures are provided in accordance with Policy LP30 of the KLP and Policy 13 of the NDP.

Other Matters

13. As set out above, the Grade II listed building, 141A Thong Lane, lies in proximity to the appeal property. Mindful of the statutory duty set out in s66(1) of the Act, I have had special regard to the desirability of preserving the setting of this listed building. The special interest and significance of this asset largely stems from its architectural and historic interest as an eighteenth century house but is also derived, in part, from its wider historic setting, described above. Given the nature of the proposed development, I consider that the setting of the listed building would be preserved and its significance, including the contribution made by its setting, would not be harmed. On this basis it would meet the requirements of the Act, Policies LP24 and LP35 of the KLP, Policies 1 and 2 of the NDP and the provisions of the Framework, described above. I note that the Council also had no concerns in this regard.

Conclusion

14. The proposed development would not conflict with the development plan. There are no material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, for the reasons given and subject to conditions, I conclude that the appeal should be allowed.

Paul Martinson

INSPECTOR

SCHEDULE OF CONDITIONS

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan; AL 02 Revision B.
- 3) With the exception of the roofing material of the sedum roof, the materials to be used in the construction of the external surfaces of the garage and gym/office building hereby permitted shall match those used in the existing dwelling, as existing on the date of this permission.
- 4) Prior to the commencement of the construction of the new external walls of the building hereby approved, a plan shall be submitted to and approved in writing by the local planning authority providing details of integral bird nesting features (for species such as House Sparrow) within the proposed building. The agreed plan shall show the number, specification of the bird nesting features and where they will be located, together with a timetable for implementation. All approved features shall be installed prior to first use of the building on which they are located and retained as such thereafter.