



Appeal Decision

Site visit made on 26 September 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 October 2024

Appeal Ref: APP/Z4718/D/24/3349813

16 Nabbs Lane, Slaithwaite, Kirklees, Huddersfield HD7 5AU

- 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 Peter Taylor against the decision of the Kirklees Metropolitan Council.
 - The application 2024/62/91501/W.
 - The development proposed is described as a front porch.
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Decision

1. The appeal is allowed, and planning permission is granted for the erection of front porch at 16 Nabbs Lane, Slaithwaite, Kirklees, Huddersfield HD7 5AU in accordance with the terms of the application, Ref 2024/62/91501/W and the plans submitted with it.

Procedural Matter

2. At the time of my site visit, I saw that the development was in situ. The application has been submitted retrospectively; I have dealt with the appeal on this basis.
3. The Council changed the description of development from that stated on the application form. In the interests of clarity, I consider that the Council's description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.
4. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (2023) (the Framework). The consultation and draft Framework do not constitute Government policy or guidance. However, they are capable of being material considerations in appeals. Notwithstanding this, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of the consultation.

Main Issue

5. The main issue in this appeal is the effect of the development on the character and appearance of the Slaithwaite Conservation Area and setting of the Grade II Listed viaduct.

Reasons

6. The site is within the Slaithwaite Conservation Area and near the Grade II Listed viaduct. Section 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (LBCA Act) requires decision makers, when considering whether to grant planning permission, to have special regard to the desirability of preserving the listed building or its setting or any feature of special architectural or historic interest which it possesses. A similar duty exists in relation to having regard to the character and appearance of a Conservation Area under Section 72(1) of the LBCA Act.
7. Paragraph 205 of the Framework states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm.
8. The site is a semi-detached property within a predominantly residential area located in an elevated position when approaching from the east on Nabbs Lane. The appeal site is located on the junction where Nabbs Lane meets Howgate Road.
9. The area is characterised by a variety of property designs which share common features such as being constructed of natural stone with slate roof, this adds to the character and appearance of the area.
10. Whilst there is a regularity of building materials some properties have been altered or extended, including the appeal site which has a single storey side extension, which follows the curve of Nabbs Lane. The appeal site and its adjoining neighbouring property share some common features however are not symmetrical.
11. The appeal site is in a prominent elevated position located in front of the viaduct. The porch is not dissimilar in design to others within the surrounding area, the side and lower brickwork comprises stone which compliments the existing property, the glazing and timber frame to the front add a contemporary element to the design.
12. The porch is subordinate to the existing property, and whilst noticeable in the streetscene the development is not incongruous and does not detract from the setting of the viaduct which is an imposing structure.
13. The development has a neutral effect on the area and preserves the heritage assets. I find that the proposed development would not harm the character and appearance of the Slaithwaite Conservation Area and the setting of the Grade II Listed viaduct.
14. There is no conflict with Policies LP24 and LP35 of the Kirklees Local Plan Strategy and Policies (2019) which seek amongst other things for developments to respect the character of the townscape and preserve the historic environment. Similarly, there is no conflict with key design principles 1 and 2 of the House Extensions and Alterations SPD (2021) which echo the aims of Policy LP24.
15. There is no conflict with the Framework which seeks amongst other things to ensure good design of developments and protects the historic environment.

Conclusion

16. For the above reasons I conclude that this appeal should be allowed.

17. Conditions relating to standard time limit for commencement of development, plans to be adhered to and materials to be used are not relevant or necessary as the development is complete.

C Pipe

INSPECTOR