



Appeal Decision

Site visit made on 7 November 2024

by Darren Hendley BA(Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 November 2024

Appeal Ref: APP/Z4718/D/24/3350988

125 High Street, Hanging Heaton, Batley WF17 6DR

- 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 P Lowe against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2024/62/90999/E.
 - The development is a domestic outbuilding.
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Decision

1. The appeal is allowed and planning permission is granted for a domestic outbuilding at 125 High Street, Hanging Heaton, Batley WF17 6DR in accordance with the terms of the application, Ref 2024/62/90999/E, subject to the following conditions:
 - 1) The development hereby permitted shall be carried out in accordance with plan 24 J 03. 01 A. Planning drawing.
 - 2) Within 3 months of the date of this decision, the external materials on the development hereby permitted as shown on plan 24 J 03. 01 A. Planning drawing shall be implemented in full. Thereafter, the external materials shall be retained.

Procedural Matters

2. The development has been largely carried out and so I have dealt with the appeal on this basis. Not all of the external walls of the development have been rendered as of yet, which the submitted plan indicates is part of the development before me.
3. The description of development in the banner heading and the decision paragraph above is taken from the planning application form. There is no evidence before me that the revised description as set out on the Council's decision notice was agreed. The term 'proposed' however has been excluded as the development is already largely in place.

Main Issue

4. The main issue is the effect of the development on the character and appearance of the host dwelling and the area.

Reasons

5. The development comprises a single storey, pitched roofed domestic outbuilding with a rectilinear footprint that is located adjacent to the appeal site frontage. The host dwelling, which is split over one and two storeys, is

located further back into the site. The site frontage is defined by the vehicular and pedestrian access gates that serve the property, together with a wall of a modest height.

6. The site is located in a residential area where there is some variety in the style and positioning of properties. While the appeal property and one of its neighbours are set back, on the opposite side of the road the properties directly abut their respective site frontages or else there is a high retaining stone wall. Further to the west and on the same side of the road, properties are increasingly positioned closer to their site frontages.
7. The Council's House Extensions and Alterations SPD (2021) (SPD) provides detailed guidance regarding the standard of development that will help achieve a well-designed house extension or alteration, as required by the Council. The SPD sets out, amongst other matters, that outbuildings should normally be subservient and set back behind the building line of the original building so they do not impact on the street scene.
8. With the variety in positioning of buildings along this road to their site frontages and the enclosed nature opposite, this sufficiently justifies the positioning of the development, even though it is well forward of the host dwelling. When considering this context, the development does not result in a poor relationship with the host dwelling. It still appears subservient because its size and scale is appreciably less than that of the host dwelling. The two buildings are distinct and sit comfortably with one another.
9. The absence of a clear building line along this road also lessens the prominence of the development as there are buildings and structures that are at least as close to the street frontages. As the development is approached from the east, while it is seen forward of the host dwelling, it is also viewed against the backdrop of the larger buildings along this side of the road. It also remains the case that the host dwelling can still be clearly seen from the road and so it does not lose its relationship with it.
10. From the west, a neighbouring large 2 storey dwelling is considerably more prominent than the more modest sized development. Nor does the development detract from this attractive dwelling. They are sufficiently separated so the development does not lessen its contribution to the streetscene, as viewed from either direction along this road.
11. Accordingly, the development does not appear as an incongruous feature to the character of the host dwelling, streetscene and area. The effect is not harmful, when the totality of the surroundings is considered. While both main parties have referred to other outbuildings in the area and expressed views on whether they are similar to the development, these have informed my deliberations in as far as to the extent to which they contribute to the varied character and appearance of the area.
12. I conclude that the development does not have an unacceptable effect on the character and appearance of the host dwelling and the area. As a consequence, it complies with Policy LP24 of the Kirklees Local Plan Strategy and Policies (2019) which concerns good design; the form, scale, layout and details of all development respecting and enhancing character; that extensions are subservient to the original building; and, are in keeping with the existing buildings in terms of scale, materials and details, amidst other considerations.

13. The development also complies with Key Design Principles 1 and 2 of the SPD because it is in keeping with the appearance, scale, design and local character of the area and the street scene; would not dominate or be larger than the original house; and, is in keeping with the existing building in terms of scale, materials and detail. It also accords with Chapter 12 of the National Planning Policy Framework as it achieves well designed and beautiful places.

Other Matters

14. I have included a condition concerning the approved plan showing the development, in the interests of certainty.
15. My decision is also predicated on the development as is shown on the submitted plan being implemented in full. It is therefore reasonable and necessary to require the completion of the render within a reasonable timescale, for the reason of character and appearance. As a condition is applied to this effect, a further condition concerning matching materials would not be necessary.

Conclusion

16. For the reasons given above the appeal should be allowed, subject to the conditions.

Darren Hendley

INSPECTOR