



Appeal Decision

Site visit made on 3 January 2025

by **S. Hartley BA (Hons) Dist.TP (Manc) DMS MRTPI MRICS**

an Inspector appointed by the Secretary of State

Decision date: 08 January 2025

Appeal Ref: APP/Z4718/D/24/3352857

29 Warehouse Hill Road, Marsden, Huddersfield, Kirklees HD7 6AB

- 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 Mark Braithwaite against the decision of Kirklees Council.
 - The application reference is 2024/62/91010/W.
 - The development proposed is the erection of a raised front deck with car port underneath, widen vehicle access, stepped pedestrian access and removal of existing deck.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. I have taken the description of development from the Council's refusal notice rather than from the planning application form as it more accurately describes the full extent of the proposals shown on the submitted plans.
3. A new National Planning Policy Framework was published in December 2024 (the Framework). This replaces the previous version of the Framework, published in December 2023. So far as the main issues are concerned, the 2024 Framework remains essentially unaltered relative to the December 2023 version. Therefore, it has not been necessary for me to seek comments from the main parties in respect of the 2024 Framework.

Main Issues

4. The main issues are (i) whether the development would preserve or enhance the character or appearance of the Marsden Conservation Area (CA), and (ii) the effect of the proposal upon the living conditions of the occupiers of No. 27 Warehouse Hill Road in respect of privacy and outlook.

Reasons

Marsden Conservation Area

5. The appeal property is a traditional stone built semi-detached dwellinghouse. The property is clearly of some age and is within an elevated and prominent position alongside other stone-built properties with impressive views towards the

hills on the other side of the valley. There are some newer properties in this part of Warehouse Hill Road, but they are also built in stone thereby ensuring some pleasing design synergy.

6. The properties along this part of the road are set back from the highway in a linear form and hence are appreciated as sitting proud on the hillside and with a degree of consistent frontage openness. Both the frontage steps and the boundary treatment along this street are mainly finished in stone material thereby assimilating well with the more traditional character and appearance of the properties falling within this part of the CA. Some of the properties include trees and vegetation in frontage or side amenity spaces and this also adds positively and distinctively to the significance of this part of the CA.
7. The appeal property already includes a raised deck. However, this is much smaller and less wide than what is proposed, is built in a more traditional material and does not project as close to the highway. Moreover, the existing raised deck does not conceal large parts of the characterful and traditional frontage of the dwellinghouse.
8. The proposed raised deck would appear large, dominant, bulky and imposing when seen within the street-scene and would unacceptably interfere with views of a large part of the frontage of the dwellinghouse. It would be built in modern materials which would not be reflective of the traditional character and appearance of the host property or surrounding properties. Moreover, it would not appear subservient in scale to the host property and would erode the sense of open space that exists to the front of properties on this side of the road.
9. The above harm would be compounded by the widening of the existing driveway access to facilitate the parking of more vehicles to the front of the property. These matters would cause harm to the positive and distinctive characteristics identified above and, overall, the proposed development would constitute poor design which would fail to preserve the character and appearance of the CA.
10. So far as paragraph 215 of the Framework, is concerned, I find that the development would lead to less than substantial harm being caused to the significance of the CA. I acknowledge that the proposal would result in improved outside amenity space for occupiers of the host property, as well as the ability to park more vehicles off the road and under cover. However, these are essentially private benefits.
11. I accept that Warehouse Hill Road is relatively narrow in parts and hence the parking of additional vehicles off the highway may have some benefit in terms of the free flow of traffic. However, I have no evidence before me of any particular on-street, car parking demand pressures in the area, or indeed any unacceptable highway safety impacts arising from the parking of vehicles on the road. In this case, I do not find that there are any identified public benefits which would outweigh the less than substantial harm caused to the significance of the CA.
12. Therefore, I conclude that the proposed development would not accord with the design and conservation requirements of policies LP2, LP24a and LP35 of the Kirklees Local Plan Strategy and Policies 2019 (LP), Key Design Principles 1

and 2 of the Council's House Extensions and Alterations Supplementary Planning Document 2021 (SPD), and chapter 16 of the Framework.

Living conditions

13. I find that the provision of a privacy screen (to be secured by planning condition) would prevent the overlooking of No. 27 Warehouse Hill Road arising from the position and height of the proposed raised deck.
14. However, the above would not overcome the harm that would be caused to the occupiers of No. 27 Warehouse Hill Road, when using their front amenity space or when viewed at an angle from ground floor front windows, arising from the close position, height and bulk of the proposed raised deck. In this regard, I find that the raised deck would appear oppressive and overbearing and hence would result in material harm being caused to the outlook enjoyed by existing and future occupiers of this neighbouring property.
15. Therefore, I conclude that the proposal would not accord with the amenity requirements of policy LP24b of the LP, and paragraph 135(f) of the Framework.

Conclusion

16. For the above reasons, I conclude that, when the proposed development is considered as a whole, it would not accord with the development plan for the area taken as a whole and there are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, the appeal should be dismissed.

S. Hartley

INSPECTOR