



Appeal Decision

Site visit made on 23 December 2024

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 15th January 2025

Appeal Ref: APP/Z4718/D/24/3350203

11 Flush House Lane, Holmbridge, Holmfirth HD9 2QY

- 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 A Heywood against the decision of Kirklees Council.
 - The application reference is 2024/62/90816/W.
 - The development proposed is the installation of ground source heat pump.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is whether the proposal would preserve the setting of the listed property.

Reasons

3. Despite the description, the proposal is for the installation of a 10kw air source heat pump that would be situated in the front walled garden. The dwelling is the eastern property of this short terrace. These terraced properties are Grade II listed. The dwelling only has a front garden. The outdoor unit would be freestanding and the site plan shows it midway between the house and the front wall of the garden. Based on the brochure details, the external cabinet would be just over 1.5 metres in height, 1.1 metres wide and just under 0.5 metres deep. The orientation shown would present the narrowest elevation to the front.
4. The overall scale of this unit would result in it being a prominent feature within this small garden area. Being to the front of the house, it would be clearly evident, over the boundary walls, from the road. Although no details have been provided, I have assumed that it would be set at the lowest possible ground level and could, in time, benefit from greater screening, if subject to a landscaping condition. Although not suggested by the appellant, it is evident from the 'Common FAQ's answered' document that there is some potential for such a cabinet to be wrapped, in an alternative finish to white, with one example showing a fake stonework finish. No mitigation has been suggested within the appeal statement, but I have considered the potential for the above measures as they could be required by condition. I have not considered the possibility of a smaller or lower height unit, or alternative screening within the garden as this has not been suggested and I am unclear what would be practical, whilst still meeting the requirements of the property; and the space requirements set out in the brochure.

5. There is nothing before me that suggests that measures could be put in place to significantly reduce the wider impact of this proposed cabinet in the short term. As such, I consider that this relatively high unit, would undoubtedly be at odds with the simple historic character of these properties and would detract from their setting. As proposed, it would be unacceptably harmful to their character and appearance. The proposal would be at odds with policies LP24 and LP35 of the Kirklees Local Plan 2019 (LP) as it would not respect or enhance these heritage assets; or preserve or enhance the significance of the assets. The Holme Valley Neighbourhood Development Plan policies are not relevant as they accept that existing listed buildings have adequate protection from legislation and other policies. These include that special regard must be had for the desirability of preserving the building or its setting as required by Section 66 of the Planning (Listed Buildings and Conservation Areas) Act 1990.
6. The National Planning Policy Framework 2024 is clear that any harm to a heritage asset, such as a listed building, should be weighed against the public benefits of the proposal. In this case, the harm to the setting of these listed buildings would be less than substantial. The LP heritage policies, particularly LP35, appears only to refer to public benefits when considering substantial harm. As this materially differs from the Framework, I afford greater weight to the requirements of the Framework.
7. The public benefit of this proposal would relate to reducing reliance on energy that results in the production of green house gases. There is general government support for this including within the Framework. It is clear that the planning system should support the transition to net zero by 2050, including facilitating radical reductions in greenhouse gas emissions; and supporting low carbon energy and associated infrastructure. The appellant states that the alternative to this proposal would be to burn oil which would also require a tank to be installed in the front garden.
8. The need for the heat pump to be located in the front garden is a land ownership issue given that the appellant does not control land to the rear or side of the building. Nevertheless, I agree that the proposal gains support from national policies and would result in significant public benefits. However, in the absence of any proposals that might further mitigate the harm, other than those I have mentioned, I am not satisfied that the public benefits would be sufficient, in these particular circumstances, to outweigh the harm that would result to the setting of these listed buildings. On balance, I therefore find conflict with the Framework overall.
9. I have had regard to the limited options available to the appellant with regard to the position of the structure; the characteristics and contents of this and the neighbouring gardens; and the possibility that burning oil for heating may be an option if this appeal fails. Whilst I have considered all the matters put forward by the appellant, I conclude that the benefits of the proposal, do not provide sufficient weight in favour of the proposal to outweigh my main concern. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR