
Appeal Decisions

Site visit made on 8 January 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 29 January 2025

Appeal A Ref: APP/Z4718/W/24/3351576

Angel Barn, Land rear of 8 Longwood Road, Paddock, Huddersfield HD3 4EU

- 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 Mrs B Travis against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2023/62/90718/W.
 - The development proposed is described as: 'Conversion of storage barn to 2no duplex apartments'.
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Appeal B Ref: APP/Z4718/Y/24/3351581

Angel Barn, Land rear of 8 Longwood Road, Paddock, Huddersfield HD3 4EU

- The appeal is made under section 20 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended) against a refusal to grant listed building consent.
 - The appeal is made by Mrs B Travis against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2023/65/90719/W.
 - The works proposed are described as: 'Conversion of storage barn to 2no duplex apartments'.
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Decision

1. *Appeal A*: The appeal is dismissed.
2. *Appeal B*: The appeal is dismissed.

Preliminary Matters

3. The appeal building is described as a storage barn. Named in the evidence as Angel Barn, it is a Grade II listed building¹ referred to on the National Heritage List for England as: '*Barn Between Nos 8 and 10*'.
4. As the appeal relates to a listed building, I have had special regard to sections 16(2) and 66(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. The two appeals concern the same scheme under different, complementary legislation. I have dealt with both appeals together in my reasoning.

Main Issues

6. The main issues are:
 - whether the proposal would preserve the Grade II listed building of Barn Between Nos 8 and 10 (*Appeals A and B*);
 - whether the level of proposed parking provision would be acceptable with particular regard to highway safety (*Appeal A*); and

¹ List Entry Number: 1215253.

- the effect of the proposal on the living conditions of the occupiers of 15 Victory Avenue with particular regard to privacy (*Appeal A*).

Reasons

Listed Building

Special Interest and Significance

7. Angel Barn was added to the statutory list in 1978, with the list entry identifying it as being constructed in the early nineteenth century. It is a building of two-storey height, constructed of hammer-dressed stone with an unbroken stone slate roof and coping to the gables. It has prominent round-arched doorways to the principal south and to the opposing north elevation, with ashlar voussoirs. The latter of these has been blocked with concrete blockwork. Both of the doorways have an oculus window above. The south elevation has a pair of lunette windows to either side of the oculus window, with a similar lunette also at first floor level in both gables. There are also a pair of slim ventilation slits to the right side of the north elevation at first floor height. Pedestrian doorways are located to the left and right of the south elevation and to the left of the north elevation. There are blocked vertically proportioned windows to the eastern gable at ground floor level. All surrounds are raised, dressed stone. The materials, stone detailing and design of the fenestration contributes to a building with an impressive appearance exhibiting high levels of craftsmanship in its exterior.
8. Supporting steelwork has been installed to the interior of the building following concerns with regard to its stability. The steelwork extends to the full height of the internal walls. There is no first floor in the building.
9. The high solid to void ratio and limited nature of the openings to first floor level allude to the purposes for which the building was originally constructed and are key components of its character that distinguish it from the surrounding, predominantly residential, buildings. The appellant's evidence indicates that the building was most recently used for storage in association with The Angel public house (which has now closed) however it is unclear if this was the building's original use or something more recent. In that regard, comments from local residents indicate it was used for livestock and had an agricultural use in the past. Nonetheless, the appeal building and the public house are seen in the same context in views from the open space to the east, adjacent to the road junction at the end of Longwood Road.
10. The appeal building is set back from Longwood Road facing onto a small courtyard that lies forward of a row of terraced houses aligned perpendicular to the appeal building. Access from the road is gained along the straight access that runs adjacent to the front boundaries of these dwellings. To the opposite side of the access is a further terrace of three properties that back onto the appeal site. To the north of the appeal building is a roughly triangular yard that is enclosed by a stone wall and bounds the rear gardens of residential properties along Victory Avenue.
11. The special interest and significance of the appeal building, insofar as it relates to this appeal, derives, in part, from its impressive exterior, embodying high levels of craftsmanship through the presence of features such as the ocular and lunette windows, the extent of surviving historic fabric, and its high solid to void ratio providing evidence as to its former, non-domestic, function.

Proposals and Effects

12. The appeal proposal would involve the conversion of the appeal building into two residential units, described by the appellant as 'duplex apartments'. Both units would have ground floor accommodation accessed via the existing pedestrian doors to the south elevation. The central doorways would be utilised as a vehicular route to parking in the triangular yard to the north of the building. A first floor would be provided above the ground floor accommodation and the vehicle access. This would be divided equally between the two units.
13. As part of the proposal, the existing ground floor gable window openings would be re-opened and glazed. The majority of the existing openings would also be glazed and utilised as part of the conversion, including the two pedestrian doors to the south elevation. Furthermore, a significant number of new openings are also proposed. This includes 2 new ground floor gable openings to the western gable, a new ground floor door opening to the right side of the north elevation and 4 first floor openings also to the north elevation. Additionally, 6 rooflights are proposed to be inserted into the currently unbroken roof with 3 to both roof slopes.
14. The extent of the new openings and rooflights would significantly disrupt the high solid to void ratio of the existing building, eroding the legibility of its former use and function and disrupting its architectural integrity, to the detriment of its special interest and significance. The extent of the works and development required to install the new openings would undoubtedly also result in a notable loss of fabric and the high levels of craftsmanship embodied within it, particularly when also taking into account the extent of rebuilding proposed to address structural concerns. This would adversely affect the integrity and authenticity of the listed building, eroding its special interest and significance.
15. For the above reasons, the proposal would fail to preserve the Grade II listed building, Barn Between Nos 8 and 10, or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of sections 16(2) and 66(1) of the Act. In doing so it would cause harm to the significance of this designated heritage asset.

Public Benefits and Balance

16. Paragraph 212 of the National Planning Policy Framework (the Framework) advises that when considering the impact of development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. That is irrespective of the magnitude of that harm. Consistent with that approach, paragraph 213 sets out that any harm to, or loss of, the significance of a designated heritage asset, should require clear and convincing justification.
17. Given the extent and nature of the proposal, I find that the harm in this instance would be 'less than substantial' but, nevertheless, of considerable importance and weight. Under such circumstances, paragraph 215 advises that this harm should be weighed against the public benefits of the proposal, including, where appropriate, securing the asset's optimum viable use.
18. The appellant has provided two feasibility studies, one for a 4 bedroom dwelling and another for the appeal scheme of 2 apartments. The appellant argues that this viability evidence indicates that such a large dwelling would not be viable in such an urban location and it is therefore necessary to increase the density by forming

- two units. However, there are elements of this evidence that leads me to doubt the accuracy of the studies. The building costs appear to be significantly higher to convert the building to a single dwelling, than to form 2 residential units. Given the likely greater works required to the building to form 2 units, it is unclear why the cost of converting to a single unit should be significantly greater. The reason for this significant difference in build cost is not explained in the evidence before me. Furthermore, I would note the total combined selling price of the 2 units would appear to be roughly equal to that of the single 4 bedroom dwelling. The feasibility studies are therefore not convincing evidence that the 2 units are more viable than a 4 bedroom dwelling or that conversion to a single dwelling is not viable.
19. Whilst I note that the appellant has sought market advice which indicates that there is little demand for a detached house in this location, I am not provided with any evidence in that regard. This limits the weight I can attribute to this matter.
 20. The Planning Practice Guidance (PPG)² sets out that where there is only one viable use, then that use is the optimum viable use. If there is a range of alternative economically viable uses, the optimum viable use is *'the one likely to cause the least harm to the significance of the asset, not just through necessary initial changes, but also as a result of subsequent wear and tear and likely future changes. The optimum viable use may not necessarily be the most economically viable one.'*
 21. Having regard to the above, it has not been demonstrated that the conversion of the building to two residential units is the only viable use of the building. Furthermore, given the harm that would arise, I am not convinced that such a use would represent the optimum viable use of the building.
 22. However, the appeal scheme would allow for the re-use of a listed building that has only a low-level storage use at present and is showing signs of deterioration, being currently supported by metal framing. This would constitute a moderate public benefit. The proposal would also add to housing supply for the local area, although this benefit would be limited by the small-scale nature of the scheme. Similarly, limited economic benefits from the construction and occupation of the units would occur.
 23. Nonetheless, the total sum of the moderate public benefits that would arise are not sufficient to outweigh the considerable importance and weight I attach to the identified harm to the significance of the designated heritage asset.
 24. The proposal would fail to preserve the Grade II listed building, Barn Between Nos 8 and 10, or any features of special architectural or historic interest which it possesses. This would be contrary to the requirements of sections 16(2) and 66(1) of the Act and the provisions within the Framework which seek to conserve and enhance heritage assets. The harmful impact would also be contrary to Policies LP24 and LP35 of the Kirklees Local Plan (2019) (the LP) which together seek to ensure proposals are of a high-quality design that conserves and enhances heritage assets and safeguards townscape and the historic environment.

² Paragraph: 015 Reference ID: 18a-015-20190723.

Parking

25. The appeal proposal would involve the provision of two car parking spaces (one per unit) in the area to the rear of the building. Vehicles would access this area via the arched opening and the access road linking to Longwood Road, a classified 'C' road.
26. Whilst there are double yellow lines on the southern side of Longwood Road there are no parking restrictions on the northern side including the area in the vicinity of the access to the appeal site. On the site visit, there were several vehicles parked along this length of the road. Vehicles parked closer to the road junction along this section, reduce the width of the carriageway, causing vehicles to drive over the central hatching. Further west in front of the terraced dwellings adjacent to 32 Longwood Road, there are designated parking bays positioned parallel with the road and hatching to the adjacent bend. At the time of my site visit, whilst a snapshot in time, I saw that there were several available spaces to park here.
27. The appeal site lies close to Paddock Local Centre which provides a range of facilities including convenience stores. A bus close to the access road junction provides a regular (more than hourly) service to Huddersfield Town Centre. The appeal site is thus relatively accessible and future occupants would not be reliant on a private car for all of their daily or weekly needs.
28. There is a dispute between the parties as to whether the scheme comprises apartments or semi-detached dwellings. However, given the accessibility of the location, the availability of on-street parking and the nature of the units, being relatively small with little outdoor space, I am satisfied that the proposed provision of one parking space per unit would not lead to a significant increase in demand for on-street parking along Longwood Road. Notwithstanding the disagreement between the parties over the precise nature of the accommodation, I note that no objections have been received from the Highway Authority in this regard.
29. Whilst there is a dispute as to whether or not the proposed parking provision complies with the Kirklees Highway Design Guide (2019), I would note that this document does not include specific parking standards, and the figures provided are 'an initial point of reference' only. Furthermore, the document indicates that these figures could be subject to change based on evidence including accessibility, the type and mix of development, and the availability of public transport. Given my above findings, I am not convinced that the proposal would conflict with this guidance.
30. For the above reasons I consider that the proposed parking provision would be acceptable with regard to highway safety. The proposal would therefore comply with Policies LP21 and LP22 of the LP which together seek to ensure new development provides adequate parking and does not prejudice highway safety. There would also be compliance with the provisions of paragraph 135 of the Framework which sets out, amongst other things, that planning decisions should ensure new developments function well and add to the overall quality of the area, not just for the short term but over the lifetime of the development.

Living Conditions

31. The rear elevations of the terraced properties along the south side of Victory Avenue face in the direction of the appeal site which shares a boundary with the

garden of No 15 Victory Avenue. No 15, the end terrace property, faces towards the predominantly blank north elevation of the appeal building which is set lower down. There are three windows to the first floor of No 15, two of which are obscure glazed. Nonetheless, the windows at first floor level are reasonably private and not subject to any direct overlooking.

32. However, as set out above, the proposal would introduce numerous new glazed openings in the north elevation of the appeal building at a distance of between 15 and 16 metres from the rear elevation of No 15. The Council is concerned that this would result in an unacceptable overlooking relationship arising from the unit to the west side of the building. Its first floor windows comprise of a very small square window serving the kitchen and a tall window to the left of this, serving the dining area. In addition, the upper section of the arched doorway opening would be glazed and serve the first floor bedroom. However, the kitchen and bedroom windows are close to floor level which is likely to limit potential for overlooking. Overlooking is also limited by the small size of the kitchen window. Owing to its position on the building, the dining room window would face towards the eastern windows of No 15, however both of these windows are obscure glazed. Additionally, the appellant is proposing to angle the reveals to the windows, which would further limit the potential for overlooking.
33. Having regard to the nature of the windows proposed, their position in the building, and the existing relationship between the appeal building and No 15, including the change in levels, I am satisfied that the proposal would not significantly reduce existing privacy levels.
34. Whilst the distances between the two residential units would be below the privacy distances referenced in the Council's Housebuilders Design Guide Supplementary Planning Document, I would note that this does not specifically relate to residential conversions and nonetheless is guidance and cannot envisage every scenario.
35. For the above reasons I therefore conclude that the proposal would preserve the living conditions of the occupiers of 15 Victory Avenue with particular regard to privacy. The proposal would therefore comply with Policy LP24 of the LP in that regard which seeks to ensure new development preserves living conditions. For the same reasons the proposal would comply with paragraph 135 of the Framework which requires planning decisions to ensure new development provides a high standard of amenity for existing and future users.

Other Matters

36. Comments from local residents refer to the proposed south-facing door as opening across a neighbour's private drive entrance. Whilst the appellant has referenced a right of access, I would note that such matters are private legal matters that do not affect the planning merits of the case before me. It is on these matters which I am required to base my decision.

Planning Balance and Conclusion

37. *Appeal A:* The Council has set out that it cannot demonstrate a five year supply of deliverable housing sites and that there is only 3.96 years supply of housing land, a significant shortfall. Furthermore, housing delivery is also low. The Council has only delivered 67% of its housing requirement over three years as demonstrated in its Housing Delivery Test Results, published in December 2023 Results. This also

represents a significant shortfall. I acknowledge that, in an incremental numerical way, the appeal scheme would contribute towards rectifying that shortfall.

38. Paragraph 11 d) of the Framework states that in such circumstances permission should be granted unless the application of policies in the Framework that protect assets or areas of particular importance provide a clear reason for refusing the development. Footnote 7 indicates that designated heritage assets are one such protected asset. I have found that the proposal would result in harm to the special interest and significance of a Grade II listed building, a designated heritage asset. There is therefore a clear reason for refusing the proposal in any event, and the presumption in favour of sustainable development is not engaged.
39. Whilst I have found that the proposal would not result in harm to living conditions or to highway safety, a lack of harm is neutral in the balance. I have considered all other matters raised but none outweigh the conclusions I have reached. For the reasons given, I conclude that Appeal A should be dismissed.
40. *Appeal B*: For the above reasons and having regard to all matters raised I conclude that Appeal B should be dismissed.

Paul Martinson

INSPECTOR