



Appeal Decision

Site visit made on 16 July 2025

by Grahame J Kean BA (Hons), Solicitor (HRA), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 22 July 2025

Appeal Ref: APP/Z4718/C/25/3359399

The Bungalow, High House Lane, Huddersfield, West Yorkshire, HD7 5TS

- The appeal is made under section 174 of the Town and Country Planning Act 1990 (as amended).
 - The appeal is made by Mr G Shaw against an enforcement notice issued by Kirklees Metropolitan Council.
 - The notice was issued on 13 December 2024.
 - The breach of planning control as alleged in the notice is: an alteration of the property consisting of the creation of a raised platform.
 - The requirements of the notice are:
 - a) Demolish and completely remove the raised platform including supporting pillars, fixtures and fittings.
 - b) Following step (a), remove all resulting material from the site.
 - The period for compliance with the requirements is: 60 days after this Notice takes effect.
 - The appeal is proceeding on the grounds set out in section 174(2)(a), (f) of the Town and Country Planning Act 1990 (as amended). Since an appeal has been brought on ground (a), an application for planning permission is deemed to have been made under section 177(5) of the Act.
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Decision

1. It is directed that the enforcement notice is varied as follows:

- In the requirements of the notice, after “from the site” insert new paragraphs:

“OR

c) Reduce the size and extent of the raised platform in accordance with drawing numbers 25_100.3A and 25_100.3.1A annexed to this notice.

d) Following step c), remove all resulting material from the site.

- After the words “(a) and (b)” in the period for compliance insert “(or (c) and (d))”
- Drawings numbered 25_100.3A and 25_100.3.1A are annexed to the notice.

2. Subject to the variations, the enforcement notice is upheld.

Ground (a)

Main Issues

3. The main issues are the effects of the development on the Linthwaite Conservation Area (LCA) and on the host dwelling and wider street scene.

Reasons

4. The appeal site is in the LCA. I have a statutory duty to pay special attention to the desirability of preserving the character or appearance of a conservation area when considering the grant of planning permission for development within it.
5. The appeal property is on a generously sized corner plot, situated in an elevated position when viewed from the east on High House Lane. The northwestern elevation of the dwelling directly fronts High House Lane with a high dry-stone wall forming the boundary of the property along the north-east and eastern perimeter. The raised platform is attached to the rear of the property, accessed via glazed doors and supported by timber pillars with a glass balustrade along the outer edge.
6. The raised platform has a contemporary design, using slim timber pillars and transparent glass panels. It is at a level which in effect gives it an appearance of being erected at first floor level. The Council previously approved a modern conservatory on the eastern elevation which itself is a prominent addition in terms of scale, height and overall appearance higher than adjacent ground levels.
7. Nevertheless, the unauthorised structure is readily visible from the public realm and forms a substantial structure in comparison to the host dwelling not least due to its overall height. The glass balustrade is largely transparent in appearance but the overall effect, including the extent of timber used (albeit at spaced intervals) results in a significantly incongruous appearance when viewed against the traditional stone construction of the host dwelling.
8. Consequently, I disagree that the structure blends in with the host dwelling or that its appearance is minimised in the street scene. Several interested persons commented that the development does not affect them adversely from the point of view of their neighbouring properties. However the impact of the raised platform on the street scene is exacerbated due to the elevated ground level on High House Lane, which slopes from west to east, so in views from the eastern approach on High House Lane, it is visually dominant due to its overall height and scale in comparison to the dwelling and more particularly the views of the dwelling obtained from this angle. The Council refers to the reflective glass balustrade that casts a light across the rear of the dwelling which in my view exacerbates the lack of harmony with the character and appearance of the host dwelling.
9. Within the wider street scene, properties do not generally have extensions or alterations made of incongruous materials. Indeed, the significance of the LCA is demonstrated through the prevalent stone buildings and walling which create a visually harmonious streetscape typical of a West Yorkshire semi-rural setting. The raised platform is a modern structure visually at odds with local character and harms the significance of the LCA, although not in a substantial way.
10. That said, the intrusion into the street scene is a serious one and although for example, the existing dry-stone wall on the boundary of the property remains a dominant traditional feature in views from High House Lane, its significance is appreciably undermined by the unauthorised development.
11. Paragraph 215 of the National Planning Policy Framework (NPPF) advises that development leading to less than substantial harm to the significance of the heritage asset must be weighed against its public benefit (if any). In this instance no compelling positive public benefit to the development has been established.

12. I conclude that the unsympathetic design, scale and choice of materials fail to enhance or preserve the LCA, resulting in a seriously adverse negative impact on the character and appearance of the LCA, the host dwelling and street scene. The harm caused is contrary to the aims of Kirklees Local Plan 2019 (KLP) Policy LP35 and Chapter 16 of the NPPF, in failing to preserve or enhance the significance of the heritage asset (LCA) with no or no substantial public benefits accruing as a result of the development.
13. The harm caused, by reason of the location, scale and design of the raised platform being excessively dominant against the main dwelling and incongruous within the street scene, would also fail to promote good design contrary to KLP Policy LP24. It would also be contrary to Key Design Principles 1 and 2 of the Kirklees House Extensions and Alterations Supplementary Planning Guidance in failing to ensure the development is in keeping with local character and the existing building in terms of scale, materials and detail.
14. I conclude that the deemed application for planning permission should be refused.

Ground (f)

15. An appeal on ground (f) is that the steps required to comply with the requirements of the notice are excessive, and lesser steps would overcome the objections. It is essential to understand the purpose of the notice. Under s173(4) of the Act, its purpose is to: (a) remedy the breach of planning control that has occurred, or (b) to remedy any injury to amenity which has been caused by the breach.
16. Reading the enforcement notice as a whole it is clear on its face that its purpose is a hybrid one inasmuch as it seeks to remedy the injury to amenity and remedy the breach of planning control by requiring the raised platform to be removed from the site, including supporting pillars, fixtures and fittings.
17. The appellant has put forward an alternative scheme which is clearly articulated through the submission of Drawings numbered 25_100.3A and 25_100.3.1A, which in my view would reduce the adverse impacts of the development in situ. The alternative scheme would reduce the size and extent of the raised platform, scaling it back to cover a much smaller area to the south of the existing conservatory. The timber posts, decking and glass balustrade would remain unchanged in that area but the rest of the platform would be demolished, and the remainder made good in accordance with the submitted drawings.
18. The Council accepts that the alternative scheme would reduce the visual harm and loss of significance to the LCA. If implemented, the bulk of the raised platform visible from High House Lane would be eliminated and this would in my view remove the objection to the adverse effects on the significance of the LCA in views along the public realm by significantly reducing the size and extent of the raised platform. Moving the raised platform away from the main public vantage points on High House Lane would enable the character and appearance of the LCA to be preserved in this particular instance.
19. Consequently, I shall allow the appeal on ground (f) and vary the notice to provide for this alternative. I will retain the original period for compliance which will operate in respect of either option, ie within this period, the appellant must have completed the alternative scheme or if not, he must by then have demolished and removed the unauthorised development in its entirety.

Conclusion

20. For the reasons given above, I conclude that the requirements of the notice are excessive to remedy the injury to amenity. I shall vary the enforcement notice prior to upholding it. The appeal on ground (f) succeeds to that extent.

Grahame Kean

INSPECTOR

Annex 1 Drawings numbered 25_100.3A and 25_100.3.1A to be annexed to the notice

