



Appeal Decision

Site visit made on 5 February 2026

by **M Cryan BA(Hons) DipTP MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 02 April 2026

Appeal Ref: APP/A4710/W/25/3376305

Land west of Upper Lane, Northowram, Halifax HX3 7DL

- 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 L Trueman against the decision of Calderdale Metropolitan Borough Council.
- The application reference is 24/00741/FUL.
- The development proposed is a detached dwelling with the addition of detached garage with residential annexe above (amended house type to plot B).

Decision

1. The appeal is allowed and planning permission is granted for a detached dwelling with the addition of detached garage with residential annexe above (amended house type to plot B) at Land west of Upper Lane, Northowram, Halifax HX3 7DL in accordance with the terms of the application, Ref 24/00741/FUL, subject to the conditions in the attached schedule.

Preliminary Matters; Main Issues

2. The appeal relates to an area of land within a larger site granted outline planning permission for two detached dwellings in 2014 ¹ with subsequent applications dealing with reserved matters and amendments. One of the dwellings, that on Plot A, has been completed and is now occupied; the second dwelling on Plot B was at an advanced state of construction at the time I carried out my site visit.
3. The proposed development was described on the planning application form as the “addition of detached garage and annex to approved Plot B”. A slightly different wording was used on the decision notice and appeal form, and I have used that in the banner heading and my formal decision above. Notwithstanding that description, this appeal scheme does not appear to include any significant alterations to the main dwelling on Plot B; I note from the Council’s officer report that “the application was originally submitted as a further variation [...] but it was considered to be too different to the original to be a variation as it included a residential annex”.
4. The decision notice gave two reasons for which planning permission had been refused. Both were essentially to do with the effect of the development on the character and appearance of the area, albeit that they emphasised different aspects of the scheme. The first reason referred to reduced amenity space for future occupiers of the dwelling, though reading the Council’s officer report it was evident that this was not to do with a loss of amenity space *per se*, but the visual impacts of the proposed garage and annexe. I have therefore dealt with the

¹ LPA Ref: 13/01488/OUT

reasons as a single main issue, though of course I have addressed the individual aspects of the Council's concerns.

5. The main issue is the effect of the development on the character and appearance of the Northowram Conservation Area ("the NCA").

Reasons

6. The appeal site is on Upper Lane on the western side of the village of Northowram. I have a statutory duty to pay special attention to the desirability of preserving or enhancing the character and appearance of the NCA. As heritage assets are irreplaceable, the National Planning Policy Framework ("the Framework") states that they should be conserved in a manner appropriate to their significance (paragraph 202). It goes on to advise that any harm or loss requires clear and convincing justification (paragraph 213) and that any harm that is less than substantial must be weighed against the public benefit of the proposal (paragraph 215).
7. The NCA was designated in 2011; it includes the core of the village and areas of countryside to the west. I have not been provided with the full conservation area appraisal, though among the important features of the Upper Lane part summarised in the appraisal are its rural character with open fields to much of its western side; the stone walls along roadsides and field boundaries; and the significant views across the open fields into the built-up part of the village. The relationship between the Upper Lane part of the village and the surrounding countryside makes a positive contribution to the NCA and is, so far as it relates to this appeal, a significant factor in the conservation area's significance.
8. The dwelling on Plot B is detached and has two storeys plus rooms in the roofspace; it has a one-and-a-half storey front projection with ground floor garage and gym and a bedroom above. This projection is approximately perpendicular to the Upper Lane frontage, and there is a generous space between the dwelling and the front boundary. The proposed building would be fitted into this space, aligned with the front of, and very similar in height to (though at a slightly lower ground level than) the one-and-a-half storey projection on the main house. There would be a garage on the ground floor with residential accommodation – a living room, bedroom and ensuite shower room – above. The garage and annexe building would have a pitched gable roof, with an eaves height of approximately 4m and a ridge height of approximately 6.2m. Materials would be natural coursed stone walls and artificial weathered roof slates to match the main dwelling.
9. The Council's 2024 *Placemaking and Design Guide* Supplementary Planning Document ("the SPD") provides a range of guidance in respect of extensions, additions and alterations to dwellings; among other things it advises that they should be subservient to the original building and should respect its scale, form, proportions; that they should not result in overdevelopment of the plot with adequate retained circulation, parking and amenity space; and that they should not extend beyond the front building line.
10. The garage and annexe would be comparable in scale and form to the existing front projection on the main dwelling, which is subservient to the larger form of the two-storey part of the dwelling. While there would be some loss of space around the dwelling as a result of the development, the plot would remain reasonably spacious. The new building would be set back some 6m or so from the road and,

while Upper Lane as a whole can be characterised as having considerable openness, I saw that the lower stretch which includes the appeal site has a much more enclosed feel, with many dwellings or their outbuildings erected very close to the road. I acknowledge that, as a larger detached house it might reasonably be expected that the new dwelling on Plot 2 would be in a slightly more spacious setting than older and smaller terrace houses and cottages but, proportionately, that would comfortably remain the case. The proposed development would not be intrusive or dominant in the streetscene, nor would it lead to the appeal site becoming unacceptably overdeveloped.

11. Turning to the effect on the wider area, I have acknowledged the importance of the intervisibility between the village and the surrounding open countryside along Upper Lane. However, the garage and annexe would be located between the existing dwellings and on and around the appeal site and Upper Lane. In most views from Upper Lane, the building would be seen against a backdrop of houses which it would match in style and materials. In views from the open countryside, the building would be screened by the same houses. There would therefore be no significant blurring or erosion of the relationship between the NCA or the village as a whole, and its historic rural surroundings.
12. The garage and annexe would be in front of the street-facing elevation of the house on Plot B but, because of the L-shaped layout of the main dwelling (and that on Plot A) it would not be incongruous in its immediate context. While there would be a degree of conflict with the advice of the SPD in this respect, I am satisfied that it would not lead to any significant harm.
13. I note comments by the Council's conservation officer that "development built after 2013 and in close proximity to the road, while deemed acceptable in policy terms at the time, has resulted in harm to the significance of the Conservation Area [because of] increased density of development and loss of openness on Upper Lane and degradation of the relationship between the Conservation Area and its setting". I acknowledge that a new development plan has been adopted since the NCA was designated in 2011, and development which has taken place since then provides some of the context against which I have assessed the proposal.
14. Taking all of this together, I am satisfied that the character and appearance of the NCA would be preserved. The proposal would therefore comply with Policies HS1, BT1 and HE1 of the 2023 Calderdale Local Plan ("the CLP"). Together, and among other things, these policies seek to ensure that development, including residential developments on non-allocated sites, are well designed, respect or enhance the character and appearance of existing buildings and surroundings taking account of its local context and distinctiveness, and that heritage assets including Conservation Areas are protected and enhanced.
15. The proposal would also comply with the provisions of the Framework which seek to conserve and enhance the historic environment. As I do not find that the proposal would cause harm to or loss of heritage assets, it is not necessary to apply the public benefit test set out in paragraph 215 of the Framework.

Conditions

16. I have considered the conditions suggested by the Council and the appellants having regard to the tests in the Framework and the advice in the Planning Practice Guidance. Where necessary I have altered the ordering or wording of

conditions in the interests of clarity and effectiveness. As well as the standard time limit condition (1) I have specified the approved plan to provide certainty (2). A condition is necessary to ensure that drainage is provided in an acceptable manner (3) and to comply with the provisions of Policies CC2 and CC3 of the CLP.

17. Conditions relating to materials (4) and boundary treatments (5) are necessary to protect the character and appearance of the area. Conditions relating to the provision of off-street vehicle parking (6) and the retention of garage space for car parking (7) are necessary to ensure that adequate vehicle parking is available for the lifetime of the development, in accordance with Policies BT4 and CC2 of the CLP. A condition relating to the provision of bat boxes (8) is necessary to enhance habitats for protected species in accordance with Policy GN3 of the CLP.
18. Conditions ensuring that the use of the annexe remains ancillary to the residential use of the main dwelling (9) and preventing additional window or similar openings being created (10) are necessary to protect neighbours' living conditions, in accordance with Policies BT1 and BT2 of the CLP. Condition 9 is also necessary to prevent an unacceptable increase in vehicular traffic which might arise from the use of the building as a separate self-contained dwellinghouse or holiday accommodation, in the interest of protecting highway safety in accordance with Policy BT4 of the CLP.

Conclusion

19. For the reasons given above, I conclude that the appeal should be allowed.

M Cryan

Inspector **Schedule of Conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved drawings:
 - Location Plan (Dwg 2481 OS, dated 9 October 2024)
 - Proposed site plan and boundaries (Dwg 2481 6 Rev A, dated 7 November 2023)
 - Proposed elevations, ground floor plan and first floor plan, block plan (Dwg 2481 5 Rev A)
- 3) No development above slab level shall take place until full details of the foul and/or surface water and/or sustainable systems of drainage if feasible and/or sub-soil drainage and external works for the development (taking into account flood risk on and off site and including details of any balancing works, off-site works, existing systems to be re-used, works on or near watercourses and diversions) have been submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in full accordance with the approved details.
- 4) Notwithstanding any details shown on the approved drawings, facing and roofing materials shall match those submitted and approved on 30 October

2018 under planning permission reference 17/00266/DISC1, and retained as such thereafter.

- 5) The garage and annexe shall not be first occupied until boundary treatments have been installed as shown on the approved drawing Dwg 2481 6 Rev A, dated 7 November 2023. The boundary treatments shall be retained in accordance with those details thereafter.
- 6) The dwelling and annexe shall not be first occupied until the off-street parking facilities, driveway and turning areas shown on the approved drawings have been constructed and surfaced using permeable paved surfacing materials where any surface water shall be directed to sustainable drainage outlets or porous surfaces within the curtilage of the development. These facilities be retained thereafter for this purpose for the occupiers of and visitors to the development.
- 7) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any Order revoking or re-enacting that Order) the garage shall not be used for any purpose (including any purpose ordinarily incidental to the enjoyment of a private dwelling house) which would preclude their use for the housing of a private motor vehicle.
- 8) The dwelling and annexe shall not be first occupied until bat boxes have been installed on the gable elevations of the main dwelling as shown on the approved drawing Dwg 2481 6 Rev A, dated 7 November 2023. The bat boxes shall be retained in accordance with those details thereafter.
- 9) The annexe hereby approved shall be used only for purposes ancillary to the residential use of the main dwelling and shall not be occupied as a separate unit of accommodation. It shall not be sold, let, or otherwise disposed of separately from the main dwelling, and shall not be used for holiday accommodation or any form of short-term letting. No separate curtilage or parking area shall be created or allocated specifically for the annexe.
- 10) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (and any order revoking and re-enacting the order) no further windows or other openings shall be formed in the building hereby approved without the prior written permission of the Local Planning Authority.