



# Appeal Decision

Site visit made on 17 May 2024

**by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 10 June 2024**

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**Appeal Ref: APP/Z4718/D/24/3337612**

**13 Hill, Holmfirth HD9 3BN**

- 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 Miss Y Hook against the decision of Kirklees Metropolitan Council.
  - The application Ref is 2023/62/92355/W.
  - The development proposed is formation of roof terrace.
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## Decision

1. The appeal is dismissed.

## Preliminary Matter

2. Reference has been made to the partly retrospective nature of the proposal, and I saw that a roof terrace was in place at the time of my visit.

## Main Issues

3. The main issues are the effect of the proposal on the:
  - Character and appearance of the area, with due regard to designated heritage assets; and
  - Living conditions of neighbouring residents in respect of privacy, light and outlook.

## Reasons

### *Character and Appearance*

4. The appeal site is part of a terrace of stone-built dwellings which are of an attractive traditional appearance. The proposal relates to the rear of the property, where there are a number of relatively modern extensions of varying visual quality. The layout of the site is relatively unusual in that the boundary of the site extends along the rear elevation of the adjoining property of 12 Hill.
5. The roof terrace has been created on a relatively modern flat roofed extension to the rear of the property. Glass guarding has been erected on the parapet wall of the extension, and a spiral staircase erected in a corner of the building's footprint. It is also proposed to erect a 1.8m high close-boarded fence to protect the privacy of a window of No 12 which faces onto the terrace, although this was not in place at the time of my visit.
6. The glass guarding on the boundary of the terrace is of a lightweight transparent character. However, it still appears as an incongruous addition

- utilising modern materials to the rear of this terrace of traditional dwellings, even allowing for the relatively modern character of the flat roofed extension on which it has been constructed. The glazed guarding is apparent as a jarring urban feature in views from nearby properties as well as a nearby access lane.
7. The layout of the building provides a significant degree of screening of the spiral staircase, but it is still apparent in some views from nearby properties and appears as an incongruous feature projecting above the flat roof which does not sit comfortably with the fenestration and traditional character of the host property.
  8. The proposed close boarded fence would also appear as an obtrusive feature located in an elevated position to the rear of the building.
  9. The adjacent properties of Nos 11 and 12<sup>1</sup> are Grade II listed buildings. Based on what I have seen and read they are of both historical and architectural interest as good examples of vernacular architecture representative of the historical development of the area. It is these factors which contribute to the buildings' importance as designated heritage assets. Although the rear of the listed buildings and the terrace as a whole have been subject to unsympathetic relatively modern alterations and extensions, the traditional form and appearance of the terrace is still apparent, particularly above ground floor level.
  10. Due to its prominent elevated position, modern appearance and obstruction of part of the buildings in some views; the appeal proposal would harm the setting of these listed building, particularly No 12 due to its proximity and extent along part of the rear of the building. However, due to the character and appearance of the rear of the terrace, that harm would only be of a moderate degree.

#### *Living Conditions*

11. The proposal would provide elevated views of nearby properties. Due to the layout of the site, the terrace is separated from the rear elevations and external amenity area of No 11 by a garage. However, even allowing for the degree of separation, the terrace would still enable elevated and intrusive views into the rear external amenity area of No 11, with subsequent harm to the privacy of residents.
12. A window of No 12 looks directly onto the terrace. While that window may serve a landing rather than a main habitable room, the terrace in its extant form would enable intrusive views directly into the interior of No 12. Residents of No 12 would also be aware of activity on the terrace when traversing the landing.
13. To address matters of privacy it is proposed to install a 1.8m high screen fence on a corner of the terrace. The provision of this screen could be ensured by condition, and on that basis it would address the matter of privacy in respect of No 12. However, even given the offset nature of this fence and the nature of the room served by the affected window, I consider that this solid fence would lead to an unacceptable loss of light to No 12. It would also have an unacceptably enclosing effect on views from the landing window with commensurate harm to the outlook for residents. I am not persuaded that the

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<sup>1</sup> Identified as Holt Lane (Holmfirth) Hill Farm (Nos 11 and 12) on the Listing Description

use of other materials, such as obscured glazed panels, would suitably mitigate the identified harm whilst still preserving privacy.

14. I therefore conclude that the proposal would lead to significant harm to the living conditions of residents of neighbouring properties in respect of privacy, outlook and light. The proposal would therefore be contrary to Policies LP1, LP2 and LP24 of the Kirklees Local Plan 2019 (the Local Plan) which together seek to provide sustainable development which provides a high standard of amenity for neighbouring occupiers. The proposal would also conflict with the National Planning Policy Framework (the Framework) which seeks to provide a high standard of amenity for existing and future users of places. The proposal would also be contrary to the principles of the House Extensions and Alterations SPD 2021 (the SPD) in respect of privacy, loss of light and an overbearing impact.

### **Other Matters**

15. The appellant has alleged that the landing window of No 12 is unauthorised. However, I have not been made aware of any enforcement action in respect of this window or a requirement that it be removed. I have therefore based my decision on the basis of this window remaining in-situ.
16. My attention has been drawn to a number of other roof terraces and balustrades in the wider area. However, it has not been demonstrated that these represent a direct parallel to the circumstances of the appeal proposal with regards to the circumstances of those sites when the developments were erected, the character of those areas and relationship with adjacent properties. Moreover, I observed that features such as these are not part of the prevailing context of the hamlet of Hill, which has retained a traditional semi-rural character.
17. I have had regard to the comments raised locally in support of the proposal. However, they do not lead me to different conclusions in respect of the harm that I have identified.

### **Conclusion**

18. The appellant refers to potential public benefits of the scheme, including improvements to the visual aspects of the rear elevations of Nos 11-13. However, for the reasons stated previously, I consider that the proposal would not lead to these benefits and would in fact harm the character and appearance of the rear of the terrace. Other benefits that may arise, including the provision of amenity space for residents, are of a private nature.
19. I have concluded that the proposal would not preserve the setting of the listed buildings. Although that harm would be less than substantial there are no public benefits that would outweigh that harm. The proposal would also harm the character and appearance of the area and harm the living conditions of neighbouring residents.
20. The proposal would therefore be contrary to the design, character and heritage requirements of Policies LP24 and LP35 of the Local Plan, as well as Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan 2021. The proposal would also be contrary to the Framework in respect of achieving well-designed and beautiful places as well as conserving and enhancing the historic environment. The proposal would also be contrary to the advice of the SPD in

respect of achieving good design, including with regards to designated Listed Buildings.

21. For the reasons given above the appeal should be dismissed.

*David Cross*

INSPECTOR