



Planning Appeal Statement

**12 Inner Hey, Marsden, Huddersfield, HD7
6EL**

**Raise roof height to provide additional
accommodation (WITHIN A CONSERVATION
AREA)**

Date: Feb 24

Reference: HPS5623

1.0 Introduction

1.1 This appeal has been prepared and submitted by **Householder Planning Services** on behalf of the appellants, Mr and Mrs Thompson, against the refusal of Kirklees Council to grant planning permission for raising roof height to provide additional accommodation at 12 Inner Hey, Marsden, Huddersfield, HD7 6EL.

1.2 Details of the application the subject of the appeal is set out in Section 2 below. The reasons for refusal are set out below in full.

1. The proposed extension would have a harmful impact on the significance of the Conservation Area as the larger expanded massing would not preserve or enhance the character of the host property or wider locality. The proposed development would not be subservient to the host property and is not in keeping with the pattern of development having a harmful visual impact for which no public benefits are identified to outweigh the harm. The proposal is therefore contrary to Section 72 (1) of the Planning (Listed Building and Conservation Areas) Act 1990, Policy LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 12 and 16 of the National Planning Policy Framework.

2.0 The application the subject of this appeal.

2.1 The application was a resubmission following the withdrawal of an earlier application, 2022/94035 in May 2023. That application was submitted following the refusal of an earlier application for a larger extension – 2022/90647. Following this refusal, the Council advised the appellant to modify the proposal and resubmit. The earlier scheme proposed developing the existing garage as well. Officer advice was heeded but, following the submission of application 2022/94035 Officers still raised concern about the loss of the garage despite this no longer forming part of the application or

description. The Council altered the description to mention the garage loss without the applicant agreement.

- 2.2 The applicants were also informed of conservation concerns regarding increasing the roof height. *This concern was not raised in the first application 2022/90647.* They had no professional advice at this time so, rather than get another refusal, they withdrew the application. Had they not done so, they could have appealed that application.
- 2.3 The application the subject of this appeal was submitted to the Council on the 14 September 2023 and sought planning permission to Raise the roof height to provide additional accommodation. Following statutory consultation and consideration by the Council, the application was refused for the reasons set out at 1.2 above.
- 2.4 The elevation plans submitted with the application are set out below to assist in assessing the impact of the proposed change. The top row is the proposed plans with the lower row showing the existing elevations. These assist in assessing any visual impact of the proposed change.



3.0 Relevant Planning History.

- 3.1 1991/03832 Outline application for erection of pair of semi-detached dwellings - Refused
- 3.2 2012/93938 Erection of 1 no. detached dwelling (within a Conservation Area) - Conditional Full Permission
- 3.3 2012/93939 Conservation Area Consent for demolition of garages – Granted
- 3.4 2013/93506 Discharge of conditions 1-21 on previous 2012/93938 for erection of 1 no. detached dwelling (within a Conservation Area) - Split decision
- 3.5 2014/91297 Works to Tree(s) within a Conservation Area - Granted
- 3.6 2016/90288 Work to Tree(s) within a Conservation Area - Granted
- 3.7 2022/90647 Raise roof height to form second floor extension (within a Conservation Area) - Refused
- 3.8 2022/94035 Raise roof height to form second floor extension, alterations to convert garage to living accommodation and external alterations – Withdrawn.

4.0 Relevant Planning Policy.

- 4.1 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that planning applications are determined in accordance with the Development Plan unless material considerations indicate otherwise. The statutory Development Plan for Kirklees is the Local Plan (adopted 27th February 2019).
- 4.2 The application site is located within a Strategic Green Infrastructure Network and Bat Alert Area. It is also located within the Marsden Conservation Area within the Kirklees Local Plan and the site is within close proximity to a Grade II listed building ('The Inner Hey') to the west.

Kirklees Local Plan:

- LP 1– Achieving sustainable development
- LP 2 – Place shaping
- LP 21 – Highways safety
- LP 22 - Parking
- LP 24 – Design
- LP 30 - Biodiversity and geodiversity
- LP 31 – Strategic Green Infrastructure Network
- LP 33 - Trees
- LP 35 – Historic environment
- LP 51 – Protection and Improvement of Local Air Quality

Other Planning Documents:

- Highways Design Guide SPD
- House Extensions and Alterations SPD
- Marsden Conservation Area Appraisal

National Policies and Guidance:

National planning policy and guidance is set out in National Policy Statements, primarily the National Planning Policy Framework (NPPF) published December 2023, the Planning Practice Guidance Suite (PPGS) first launched 6th March 2014 together with Circulars, Ministerial Statements and associated technical guidance.

The NPPF constitutes guidance for local planning authorities and is a material consideration in determining applications.

- Chapter 2 – Achieving sustainable development
- Chapter 4 – Decision-making
- Chapter 9 – Promoting sustainable transport
- Chapter 11 – Making effective use of land
- Chapter 12 – Achieving well-designed and beautiful places
- Chapter 15 – Conserving and enhancing the natural environment
- Chapter 16 – Conserving and enhancing the historic environment.

Supplementary Planning Guidance:

- Highways Design Guide SPD
- House Extension and Alterations SPD

5.0 Appellant Grounds of Appeal.

5.1 Given the reasons for refusal, we consider the main issue in this appeal is:

The Impact on the character and appearance of the host dwelling and the wider area as well as impact on nearby heritage assets.

Character and appearance

5.2 Reason for refusal is set out in full below.

1. The proposed extension would have a harmful impact on the significance of the Conservation Area as the larger expanded massing would not preserve or enhance the character of the host property or wider locality. The proposed development would not be subservient to the host property and is not in keeping with the pattern of development having a harmful visual impact for which no public benefits are identified to outweigh the harm. The proposal is therefore contrary to Section 72 (1) of the Planning (Listed Building and Conservation Areas)

Act 1990, Policy LP24 and LP35 of the Kirklees Local Plan, Key Design Principles 1 and 2 of the Council's adopted House Extensions and Alterations SPD and policies within Chapters 12 and 16 of the National Planning Policy Framework.

- 5.3 There are two elements to address in this reason for refusal. In this statement we firstly deal with concerns to any harm in respect of the character and appearance of the original dwelling then secondly deal with any harm to the character and appearance of the wider streetscene, the setting of nearby listed buildings and the Marsden conservation area.
- 5.4 Before commenting on these specific issues, it is worth noting that the dwelling was granted planning permission in 2012 (Application 2012/93938). In granting planning permission, the Council considered the design, scale and appearance of the dwelling to be acceptable in the Marsden Conservation Area and within proximity of the nearby Listed Building identified in the refusal.
- 5.5 The dwelling is identified in the photographs below.





- 5.6 We are of the view that the Council contention that the raising of the roof by some 0.6m would have a discernible visual impact that would be harmful to the character and appearance of the dwelling and wider area, is grossly exaggerated. The images below show the degree of change proposed.



- 5.7 Our view is that the change is minimal and not of such a scale that would be discernible. The proposed raising of the roof to the element of the dwelling facing Inner Hey will sit below the ridge line of that element of the dwelling facing Carrs Road. Levels fall away from Carrs Road. The increase in roof height will not be visible from Carr Road. The Officer report comments on the unacceptable impact of a band of render below the eaves and above the existing first floor windows. Frankly we struggle to understand how this change could be perceived as harmful to the character or appearance of the

dwelling or the wider area. This is not an uncommon appearance in the immediate locality. The Inspector will see this at their site visit with properties on the opposite side of Inner Hey reflecting this.

- 5.8 Whilst reference is made to conflict with the Council's House Extensions and Alterations SPD, as it would not be seen as subservient, it should be noted that the document is guidance rather than policy. Given the wide variation of house designs and the varying character areas within Kirklees, the document cannot be seen as a 'one size fits all' document and needs to accept that site circumstances are not all the same.
- 5.9 Furthermore, the raising of the roof should not be considered as an extension similar to those referred to in the SPD. In our view, the change in levels, where the site falls away from Carrs Road, and the fact that part of the dwelling faces Carrs Road and the other Inner Hey, reduce any perceived visual impact beyond that of the existing dwelling.
- 5.10 On the issue of harm to the character and appearance of the existing dwelling, we consider that the change is minimal and would not be harmful. It would not conflict with policy LP24 and there is clear mitigation to not comply with advice in the House Extensions and Alterations SPD. By virtue of the scale of change it would not conflict with Key Design Principles 1 and 2 in the SPD.
- 5.11 Turning to concerns about impact on the character or appearance of the Marsden Conservation Area, we consider that the change to the dwelling is minimal such that there would be no harm to the character or appearance of the conservation area. In fact, the change would reflect the form of dwellings on the opposite side of Inner Hey where there is a gap between the eaves and upper floor windows. Furthermore, the immediate area is characterised by varying roof heights in the street scene (see photos). Therefore, there would be no visual harm nor any harm to nearby heritage assets. Given this there is no need to demonstrate any public benefit from the development.



View from Carrs Road with appeal property to the left.



Closer picture toward the appeal site showing varied ridge heights.

- 5.12 On this matter we conclude that the proposed development would not conflict with Policies LP24 and LP35 of the Kirklees Local Plan and Alterations Supplementary Planning Document nor advice in the NPPF.

6.0 Concluding comment.

- 6.1 For the reasons outlined above, we consider that the proposed raising of the roof ridgeline by some 0.6m would not harm the character or appearance of the host dwelling, nor would it harm the character or appearance of the Marsden Conservation Area. On the contrary, it would be in keeping with the character and appearance of the area.
- 6.2 For the reasons outlined, we respectfully request that the appeal be allowed, and planning permission granted.