



Appeal Decision

Site visit made on 29 October 2024

by A Veevers BA(Hons) PGDip(BCon) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25th November 2024

Appeal Ref: APP/Z4718/D/24/3338798

12 Inner Hey, Manchester Road, Marsden, Huddersfield HD7 6EL

- 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 and Mrs Thompson against the decision of Kirklees Council.
 - The application Ref is 2023/62/92740/W.
 - The development proposed is to raise roof height to provide additional accommodation.
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Decision

1. The appeal is allowed and planning permission is granted to raise roof height to provide additional accommodation at 12 Inner Hey, Manchester Road, Marsden, Huddersfield HD7 6EL in accordance with the terms of the application, Ref 2023/62/92740/W, and the plans submitted with it, subject to the following 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 plans: Location Plan and Drawing No. 021/GRT/001 Revision E (Existing and Proposed Plans-Planning).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Prior to occupation of the accommodation on the second floor hereby permitted, one bat box, in the form of a Schwegler type 1FR woodcrete bat box or similar, shall be fitted to the gable of the dwelling, at least 4 metres above the ground and not located above the window. The bat box shall be retained in situ thereafter.

Preliminary Matters

2. I have taken the description of development from the Council's decision notice, removing words that are not an act of development, as this more accurately describes the proposed development. I note that interested parties were consulted on this basis and the description was used on the appeal form. Consequently, I am satisfied that no party will be prejudiced by my use of it.
3. The appeal site is located in the Marsden Conservation Area. I have therefore had regard to the duty in section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act) to pay special attention to the desirability of preserving or enhancing its character or appearance.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host property and the area, with particular regard to whether it would preserve or enhance the character or appearance of the Marsden Conservation Area (MCA).

Reasons

5. The MCA comprises of former mill buildings, houses and commercial properties located within and around a compact town centre that is surrounded by dramatic steeply sloping Pennine countryside. An important feature of the MCA is the Huddersfield Narrow Canal and a railway which pass through the town. Buildings in the MCA incorporate vernacular stone architecture and are interspersed with open spaces and wooded enclaves.
6. The appeal site sits towards the edge of the town, at the corner of Carrs Road and Inner Hey, on the eastern edge of the MCA. A part single / part two storey pair of semi-detached houses are located on the opposite corner of Inner Hey. The front elevation of the appeal property faces Carrs Road opposite a row of Victorian terraces and is at a lower ground level than the road, set back behind a low stone boundary wall. The eastern side and the rear elevations face directly onto Inner Hey, which has a different character to Carrs Road. It is a steeply sloping narrow street bordered by a mix of single and two storey traditional terraced properties, most of which are rendered. To the west, beyond a boundary fence and vegetation, at a lower ground level, is a Grade II Listed Building known as The Inner Hey, which also includes a complex of other associated buildings and is set within an extensive plot. The pattern of development and the style and age of properties in the immediate vicinity of the appeal site is varied.
7. In so far as it relates to this appeal, the significance of this part of the MCA is predominantly derived from the age and surviving built form of buildings and historic evidence of the organic growth of the former mill town. The significance of the MCA also lies in the cohesive stone and slate materials used in the buildings and boundary walling along with the prevalence of mature trees and open spaces, all surrounded by steeply sloping open countryside. These are important features that contribute positively to the attractiveness of the MCA and its special qualities.
8. The appeal property is a detached two storey dwelling. From the evidence, planning permission was granted for the dwelling in 2013 and it was constructed shortly after. Although relatively modern, the building is primarily constructed in stone with a slate roof and incorporates traditional features evident on buildings elsewhere in the MCA such as stone window and door surrounds, gable roof and projecting stone brackets at regular intervals below the eaves. The large two-storey rear part of the building facing Inner Hey is rendered and includes a wide integral garage. Due to its detached form and scale the building differs from many of the surrounding buildings. Nevertheless, since the materials used reflect those in the area and because there is no homogenous form or height of building in the immediate vicinity of the site, the building makes a neutral contribution to the significance of the MCA.

9. It is proposed to raise the roof of the two storey rear element of the property and the height of the existing chimney. The increased ridge height would result in a second floor of internal accommodation. A second floor window would be inserted in the rear-facing gable elevation and the roof would incorporate two small rooflights on each roofslope. These changes would not be clearly visible from Carrs Road, but the proposal would alter the appearance of the building within the Inner Hey street scene and would increase the height of part of the building.
10. However, the street scene along Inner Hey is not uniform due to incremental alterations and additions of varying designs and sizes to the buildings along it and their frontages. The increased height of the appeal building facing towards Inner Hey would result in a moderately larger expanse of rendered elevation which would be clearly visible above the adjacent single storey garage building when approaching the site from Manchester Road due to its position at the highest point of the street. In addition, the eye would be drawn to the proposed window at the apex of this elevation, which would highlight the raised height.
11. Nevertheless, the increase in height would be limited and would remain slightly lower than the main roof, being subordinate to it. Furthermore, the addition of a window would add interest to the otherwise unremarkable blank gable wall. Due to the topography of the area, the roofscape along Inner Hey is staggered. This means that in views along Inner Hey towards the appeal property, in the context of the surrounding varied built form, the proposal would not appear overly prominent. Consequently, having regard to its limited heritage significance and its contribution to the MCA, the proposal would not diminish the quality or integrity of the MCA or result in harm to its significance.
12. Key Design Principles 1 and 2 of the Council's House Extensions and Alterations Supplementary Planning Document, June 2021 (SPD) both set out that extensions and alterations to properties should be in keeping with the appearance, scale, design, local character of the area and the street scene and should not dominate the original house. Whilst the proposal would alter the side and rear façades of the building, it would not unacceptably unbalance the appearance and rhythm of the original roof form. The ridge height of the rear part of the building would still be below that of the main roof and would remain set back from the main side elevation of the property.
13. At my site visit I saw other properties on Inner Hey, notably 4,5 and 6 Inner Hey, that had a similar sized depth of wall between the eaves and the lintel above the first floor window to that proposed at the appeal property. Thus, this element of the scheme would not be at odds with the traditional appearance of nearby buildings or disrupt the architectural composition of the building to the extent that it would be harmful to the character and appearance of the building or the surrounding area.
14. For these above reasons, I conclude that the proposal would not harm the character or appearance of the host property or the area and would preserve the character and appearance of the MCA. The proposal would therefore comply with section 72(1) of the Act and Policies LP24 and LP35 of the Kirklees Local Plan Strategies and Policies, February 2019 (KLP). I also find no conflict

with the heritage protection policies of the Framework or the guidance in the SPD.

Other Matters

15. A Grade II listed building, known as The Inner Hey, is located to the west of the appeal site. The Council does not allege that the development would have an adverse effect on this listed building, its settings or any features of special architectural or historic interest which it possesses. From information in the Council's Marsden Conservation Area Appraisal, 2007, and observations at my site visit, The Inner Hey is a former prominent mill owners house and includes a complex of other associated buildings. It dates from the late 18th/early 19th century and is set in substantial wooded grounds, reflecting the previous prosperity of this former mill town. The significance of the building lies in its age and use of traditional architecture, including Victorian villa elements, as well as its construction in hammer dressed stone.
16. The grounds of the listed building are adjacent to the appeal site but the listed building and other associated buildings are located at a lower ground level. The appeal building is physically and visually separate from this designated asset and the proposal would not obstruct any key views of it and its setting due to intervening vegetation and other buildings along Inner Hey. Accordingly, I concur with the Council's view that the proposal would have no effect on the setting of the listed building and there would be no conflict with section 66(1) of the Act.
17. There are no compelling reasons to disagree with the Council's conclusions that the proposal would unacceptably overlook neighbouring properties.

Conditions

18. I have considered the suggested conditions from the Council and had regard to Paragraph 56 of the National Planning Policy Framework and the Planning Practice Guidance in terms of the use of planning conditions. I have undertaken some minor editing of the conditions proposed by the Council to ensure they meet the relevant requirements in the Framework without altering their aim.
19. In addition to the standard time limit condition, a condition specifying that the development is carried out in accordance with the approved plans is necessary in the interests of certainty. A condition requiring matching materials is necessary to protect the character and appearance of the host building and the area. The Council has suggested a condition in relation to the provision of a bat box on the building. I note this was also suggested in the appellant's Climate Change Statement. The condition is reasonable and necessary to enhance the biodiversity value of the development having regard to Policy LP30 of the KLP.

Conclusion

20. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be allowed.

A Veevers

INSPECTOR