

# **PLANNING APPEAL STATEMENT OF CASE**

**ERECTION OF DETACHED DWELLING**

**ADJ, 2, HOLMCLOSE**

**HOLMBRIDGE**

**HOLMFIRTH**

**HD9 2NJ**

**Ref: Kirklees Council**

**Application No: 2023/62/93385/W**

**Appellant: J Pullan**

**March 2024**

This appeal statement has been prepared by Andy Rushby BA(Hons), BTP, MBA, MRTPI, on behalf of the appellant.

**Reason for Refusal (Decision Notice dated 9 February 2024)**

*1. By virtue of the size, scale, design, siting, and prominence within the street, the proposed development would have an unacceptable impact upon the siting of a Grade II Listed Building (The Old School) and would detract from the character of the wider street scene. The development would lead to less than substantial harm to the Grade II Listed Building for which the public benefits of the development would not outweigh the identified harm contrary to Policies LP2, LP24(a) & LP35 of the Kirklees Local Plan, Key Design Principles 2, 5, 13, 14 and 15, Policy 2 of the Holme Valley Neighbourhood Development Plan, policies within Chapters 12 and 16 of the National Planning Policy Framework and requirements of The Town & Country Planning (Listed Buildings & Conservation Areas) Act 1990.*

## **Appellant's Case**

1. In summary, it is the appellant's case that the reason for refusal has been exaggerated by the LPA and that the alleged impact on heritage assets and the wider streetscene is not so significant nor severe so as to warrant a refusal of the application.

2. The appellant contends that the relevant issues in this matter essentially concern the alleged impact of the proposed dwelling on the setting of the adjacent listed building by virtue of the size, scale, design, siting, and prominence within the street of the proposed dwelling and the alleged impact of the development on the wider streetscene.

### ***3. Impact on visual amenity***

3.1 The Council's Delegated Officer Report (DOR) addresses the issue of visual amenity and, the appellant contends, this would cover the impact of the proposed development on the wider streetscene.

3.2 The DOR suggests that the proposed scheme is acceptable in terms of the key characteristics of the Local Character Assessment of the Holme Valley Neighbourhood Development Plan; the setback from the highway; roof height; the roof style; doors and fenestration: and design and materials; and hardstandings and landscaping (although a condition in relation to the latter is suggested). The only concern of the LPA with regards to the appearance of the proposed dwelling appears to be the proposed building line, but the appellant contends that the northern end elevation of the proposed dwelling (which would have an active frontage) would be in line with the front elevation of the adjacent dwelling at 2

Holmclose. The building line of the front elevation of the proposed dwelling onto Field End Lane is the same as other properties on this section of the road, namely 2,3, and 4 Field End Lane

3.3 Therefore, the appellant holds that even allowing for any issue with the building line (with which the appellant disagrees with the LPA in any event), the DOR does not suggest any matters which would render the proposed scheme unacceptable in terms of the wider streetscene and the location of the proposed dwelling within it. As such, the appellant contends that this part of the reason for refusal cannot be substantiated.

#### ***4. Impact on the setting of designated heritage assets***

4.1 The appellant suggests that the content of the DOR in relation to the alleged impact of the proposed development on the setting of the nearby listed building – the grade II former Church of England Primary School – is predicated on the consultation response of the Council's Conservation and Design (C&D) Team.

4.2 The appellant wishes to note here that the former School building has been in a single residential use for a number of years and, in that time, has undergone a considerable number of changes since its use as a school. Of note is the creation of extensive landscaping to the former outdoor areas, a new opening created on the front elevation to allow access to the undercroft, a blocked-up window on the prominent end elevation facing Field End lane, and extensive domestic paraphernalia (lights, outdoor seating and equipment) that essentially allow the building to be "read" as a dwelling rather than a former school building. Whilst certain elements of the former school remain, notably the plaque above

the main entrance and, to a degree, the style of fenestration, for all intents and purposes the appellant holds that the building and the site have already been altered to a significant degree by these changes. The change of use and the physical changes *et al* described above have not been acknowledged nor discussed in either the consultation response from C&D nor in the DOR and the appellant contends that such changes have affected the significance of the listed building to a far greater extent than would the proposed development.

4.3 The C&D consultation response recognises that amendments have been made to previous (withdrawn) schemes in order to mitigate the impact of the proposed dwelling on the setting of the listed building but goes on to say that this “does not overcome the considered harm”. However, the response does not set out why the proposed scheme does not overcome this alleged harm, and as such, the appellant can only suggest that this is simply a matter of opinion on behalf of the author of the consultation response. Instead, the response appears to rely upon comments made by the C&D Team on withdrawn schemes from ten years ago which were different to the proposed scheme. As such, the appellant considers that the current scheme has not been assessed on its own merits.

4.4 The DOR goes further in assessing the impact of the proposed dwelling on the setting of the listed building and the appellant would dispute some of the unsubstantiated assertions contained in that report.

4.5 The DOR refers to views of the listed building from various points in the vicinity and suggests that “the site can be clearly viewed and experienced within the street scene” when approaching the site from the

south-east on Field End Lane. However, the appellant contends that due to the winding nature of Field End Road, its fairly steep upward gradient, and mature landscaping on both sides of the road, the listed building is only viewed when almost upon it. The proposed development site cannot be seen at all until almost directly adjacent to it due to these factors.

4.6 When coming down Field End Lane, existing buildings immediately adjacent to the highway on both sides and the winding nature of the road mean that views of the proposed development site and the listed building are hidden until one reaches 4 Field End Lane, some thirty metres from the site. Even then, the listed building is partially hidden behind mature landscaping and the proposed development site is similarly hidden behind mature trees and landscaping. When approaching the listed building from Holmclose, with the proposed development site on the left, the listed building is well hidden behind these mature trees and landscaping.

4.7 The appellant therefore contends that the views affecting the setting of the listed building are neither extensive nor clear. In fact, the listed building is partially hidden within the streetscene, with the topography, winding road, and mature trees and landscaping having a material impact on how the listed building and the development site are viewed within the streetscene.

4.8 The DOR goes on to suggest, without evidence, that the development site remained undeveloped when the housing on Holmclose was erected in order to somehow retaining “a good degree of separation” between 2 Holmclose and the listed building. The appellant

would strongly suggest that this was not the case – Holmclose was erected in the 1950's as local authority housing and, it is contended, very little consideration was given by public housing bodies at that time to any impact on historic buildings. In fact, the former School was only listed in 1983, some 25 years after Holmclose was built. In all likelihood, the land adjacent to 2 Holmclose (the proposed development site) was probably left vacant to allow for a potential highway re-alignment at some point, given the winding nature and bends, allowing for limited views, on the road network here.

4.9 Therefore, the appellant does not agree to the LPA's assertion that "the (development) site itself contribute(s) to the setting of the Listed School and how it is experienced and viewed, and consideration does appear to have previously been given to ensure that development does not encroach on the school". Similarly, the appellant does not agree that a two-storey development would be particularly visible within the streetscene, due to limited views of the site due to extensive mature trees and landscaping, the general topography, and the winding nature of the road network here, nor that the development site was left vacant due to a need to retain any "sense of openness".

4.10 The appellant stands by the justification for the development made on page 6 of the supporting Statement and holds that the LPA has provided no evidence to rebut this justification.

4.11 The appellant further holds that there would be less than substantial harm caused to the setting of the listed building but that this harm is very minimal and is outweighed by the provision of a new dwelling in this locale (nb the Council is currently unable to demonstrate

a five-year land supply for housing and whilst the “tilted balance” cannot be enabled in relation to matters affecting designated heritage assets, nonetheless a new dwelling here does represent public benefit in terms of increasing, even in a small way, the area’s housing stock).

## **5. *Other matters***

5.1 it should be noted that the DOR finds no issue with the proposed dwelling in terms of its impact on the amenity of neighbouring residential properties; nor its impact on the amenities of any future potential occupiers of the proposed dwelling; nor its impact on any issues of highway safety.

## **6. Conclusion**

6.1 Due to the reasons set out above, the appellant contends that the reason for refusal in this instance cannot be substantiated. The appellant holds that the Council has failed to evidence nor justify its reasons, relying on unsubstantiated assertions, vague hypotheses, inaccurate descriptions, and comments made on different schemes some ten years ago.

6.2 The appellant contends that the proposed development will not, in fact, have a significant impact on the setting of the listed former Church of England Primary School and will make a positive contribution to the streetscene in the area.

6.3 The appellant therefore respectfully requests that the Secretary of States allows this appeal, subject to any necessary and reasonable conditions.