



Appeal Decision

Site visit made on 8 January 2025

by **Paul Martinson BA (Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 January 2025

Appeal Ref: APP/Z4718/D/24/3349474

3 Holt Lane, Holmfirth, Kirklees, HD9 3BW

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission under section 73 of the Town and Country Planning Act 1990 (as amended) for the development of land without complying with conditions subject to which a previous planning permission was granted.
 - The appeal is made by Mr Paul Oxley against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2024/70/91473/W.
 - The application sought planning permission for external works including raised terracing to rear garden without complying with a condition attached to planning permission Ref 2024/62/90212/W, dated 27 March 2024.
 - The condition in dispute is No 2 which states that: *'Within 3 months of the date of this decision all render used within the development hereby approved shall be completed with a dark brown or dark green colour finish which shall be retained thereafter'*.
 - The reason given for the condition is: *'In the interests of visual amenity and in accordance with Policies LP01, LP02 & LP24 of the Kirklees Local Plan, Principles 1 and 2 the Council's adopted House Extensions and Alterations Supplementary Planning Document, Policies 1 & 2 of the HVNDP and policies within Chapter 12 of the National Planning Policy Framework'*.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. Planning permission Ref 2024/62/90212/W was granted for development including raised terracing in the rear garden of the appeal property. This development had already been carried out and the application was therefore considered retrospectively. The uppermost part of the terracing includes a wall to its edge with a cream rendered finish. Condition 2, imposed on that grant of permission, sought the refinishing of the external render with a dark brown or dark green colour finish as this was considered to appear less incongruous in streetscene views than the existing cream finish.
3. The main issue is therefore whether the condition is necessary in the interests of the character and appearance of the area.

Reasons

4. Residential properties along Holt Lane and the adjoining Binns Lane typically lie close to the road edge with rear gardens that rise steeply away from the rear elevation of the dwellings. Owing to the extremely steep nature of the slope, these rear gardens are often visible in views within the streetscene at road level. On the site visit I saw that terracing of the rear gardens was common and typically included

stone walls or fences. Exposed stone cliff faces were also present further along Binns Lane.

5. Being located at the highest point of the rear garden, a considerable distance above the level of the road, the cream rendered wall at the appeal site is highly prominent in views from Holt Lane. It is also highly visible from the public right of way that runs adjacent to the side boundary of the garden and is seen on the approach towards Holt Lane when ascending the steeply sloping Cooper Lane. Its bright smooth finish contrasts starkly with the darker and more textured hues of the vegetation and stonework of the dwellings. Owing to its prominence and contrast with its immediate setting, the wall is an incongruous feature of the streetscene that is harmful to the character and appearance of the area.
6. Whilst I acknowledge that there are some rendered dwellings in Holmfirth, the appeal scheme relates to a retaining wall within a sloping garden rather than a new dwelling. Moreover, I saw on the site visit that smooth finished, light coloured retaining walls are not characteristic of this locality.
7. The painting of the wall a darker colour would serve to reduce its prominence in views from the street level and the public right of way. A dark green or a dark brown would be reflective of the nearby vegetation which would help to assimilate the wall into its setting.
8. I therefore conclude that the condition is necessary in the interests of the character and appearance of the area. I find that the development without the disputed condition would conflict with Policies LP01, LP02 and LP24 of the Kirklees Local Plan Strategies and Policies (2019) and Policies 1 and 2 of the Holme Valley Neighbourhood Development Plan (2021) which together seek to ensure new development proposals constitute high quality design that preserves the character and appearance of the area. Similarly, there would be conflict with the Kirklees House Extensions and Alterations Supplementary Planning Document (2021) which highlights the importance of the consideration of the local context, character and identity of an area with regard to house extensions and alterations.
9. There would also be conflict with paragraph 135 of the National Planning Policy Framework which requires planning decisions to ensure new development proposals add to the overall quality of the area, are visually attractive and sympathetic to local character.

Conclusion

10. For the reasons given above, having considered the development plan as a whole, the approach in the Framework, and all other material considerations, the appeal is dismissed.

Paul Martinson

INSPECTOR