
Appeal Decision

Site visit made on 1 November 2016

by Graeme Robbie BA(Hons) BPI MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 10 November 2016

Appeal Ref: APP/Z4718/D/16/3156290

11 Upper Mount Street, Batley WF17 6BA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Haroon Kola against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/91961/E, dated 1 April 2016, was refused by notice dated 3 August 2016.
 - The development proposed is a loft conversion, front and rear dormer.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on:
 - The character and appearance of the host property and the surrounding area; and
 - The living conditions of occupiers of neighbouring properties, with particular reference to daylight / sunlight and outlook.

Reasons

Character and Appearance

3. The appeal property is a two storey, end of terrace dwelling that has been previously extended at the side and rear. The rear element of the property, which extends across the full width of the rear of the property, and up to the gated, shared access lane at the rear, has a dual-pitched roof with peak. There is some variety in the style and design of roofs along the rear of Upper Mount Street due, in part, to the steeply sloping nature of the terrace, but also where other properties have had roof extensions and alterations.
 4. The proposed dormer extension at the rear would extend across approximately two thirds of the rear roof slope. It would not be inset from either the common boundary with 13 Upper Mount Street, or the rear face of the existing two storey rear elevation, whilst the extensive area of flat roof would sit just below the ridge level of the existing building. Although described as a dormer extension it would, to all intents and purposes, be a second floor extension.
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5. The proposal, by virtue of its design, scale and massing, would unduly dominate the rear of the host property. It would relate poorly to the existing dwelling, and adjacent buildings in the terrace, in terms of its design and roof style, and would result in an incongruous and visually overpowering addition to the rear of the host property. Further, the scale, bulk and massing of the rear extension, particularly the second floor flank elevation, would result in the extension having an unduly dominant and incongruous presence at the rear of the terrace.
6. Although the rear extension would not be visible from Upper Mount Street itself, it would be clearly visible from the shared, gated, access lane to the rear and from a number of neighbouring properties. Whilst it may return below the ridge level of the existing dwelling, it would nonetheless not be in keeping with, or proportionate to, the existing property in terms of overall building height, or the heights and proportions of key elements of that building and those adjoining it. In failing to be in keeping with the surrounding built form in terms of its scale or mass it would also fail to secure a good quality of design.
7. Thus, for the reasons set out, I find that the proposal would cause harm to the character and appearance of the host property, and to the surrounding area. The proposal would therefore be contrary to the design intentions of policies D2, BE1, BE2 and BE13 of the Kirklees Unitary Development Plan (UDP). Together, these policies seek to ensure good quality design that contributes to a built environment that is, amongst other things, visually attractive, is in keeping with surrounding development and respects design features of the existing house and adjacent dwellings. The proposal would also be at odds with the National Planning Policy Framework (the Framework) which seeks high quality design
8. I note that subject to the use of appropriately matching materials there is no objection from the Council regarding the proposed installation of a dormer on the front roof slope of the dwelling. I agree. The construction of a dormer window extension on the front roof slope is not an uncommon form of extension on Upper Mount Street or its surrounding terraces. What is proposed in this instance would be reasonably well proportioned and sited in the context of the main front roof slope. However, the lack of harm in this respect is not sufficient to outweigh the harm that I have identified above.

Living Conditions

9. The additional height of the rear extension, and particularly that of its flank elevation, may give rise to some additional early morning overshadowing of the adjoining property at No 13. However, the aspect to the rear of this part of Upper Mount Street is generally open and the flank wall would provide a source of reflected light along the sun's path back towards the rear of No 13.
10. I noted at my visit that Nos 13 and 15 sit at a higher level than the appeal property due to the prevailing slope along Upper Mount Street. That difference in ground levels would, to some degree, offset the additional height of the flank wall of the rear extension. Given the relatively open aspect at the rear of the terrace, I am satisfied that the proposal would not cause a significant loss of daylight or sunlight to the rear of Nos 13 or 15, nor would it be overbearing upon those properties to the detriment of the living conditions of their occupiers. Thus, I conclude that the proposal would not prejudice the residential amenity or living conditions of occupiers of those properties, and I

find no conflict with UPD policy D2. However, this of itself does not outweigh the harm to the character and appearance of the host building or the surrounding that I have identified above.

Other Matters

11. I understand the appellant's desire to extend the property in order to provide additional accommodation for his family, however this reason behind the application does not persuade me to find the scheme acceptable.

Conclusion

12. For the reasons set out above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Graeme Robbie

INSPECTOR