

Appeal Decision

Site visit made on 7 December 2016

by V Lucas-Gosnold LLB MCD MRTPI

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

Decision date: 20th December 2016

Appeal Ref: APP/A4710/D/16/3159476

69 Stone Lea, Barkisland, Halifax, Yorkshire, HX4 0HD

- 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 Croxall against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 16/00886/HSE, dated 30 June 2016, was refused by notice dated 26 August 2016.
 - The development proposed is a side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the development proposed on the living conditions of the neighbouring occupants at Nos. 71 and 73 Stone Lea, with particular regard to outlook

Reasons

3. Stone Lea is a small residential housing estate with a number of cul-de-sacs leading off a central access road. No. 69 Stone Lea is situated on one of the cul-de-sacs. The side elevation of the appeal dwelling faces towards the rear elevations of Nos. 71 and 73 Stone Lea, both of which are situated on the central access road.
 4. No. 69 is a two storey detached dwelling with a driveway to the side and a single storey garage situated at the bottom of the driveway to the rear of the dwelling. The appeal proposal would see the construction of a two storey side extension that would also extend to the rear up to the extent of the existing garage.
 5. The proposed extension would be situated close to the boundary fence of both No. 71 and No. 73's rear garden. Both neighbouring dwellings have rear conservatoires which face towards the site of the appeal proposal. There are also several windows in the rear elevations of both dwellings serving main habitable rooms including kitchens and bedrooms. The rear gardens of both dwellings also have small seating areas facing towards the side elevation of No. 69. The existing outlook from the rear of both Nos. 71 and 73 is defined by views of the neighbouring dwellings and the side elevation of No. 69 in particular. However, glimpses of the open sky and mature trees are possible both in a southerly direction and looking through the existing gap between the rear elevation of No. 69 and its garage.
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6. The appeal proposal would result in a separation distance of approximately 5m between the rear of No. 73 and the No. 69, and one of approximately 7m in the case of No. 71. The proposed extension would therefore be situated in close proximity to the main living accommodation of both properties. Whilst the existing outlook is framed by neighbouring dwellings, the effect of the appeal proposal would be to reduce the spaciousness of the outlook from both Nos. 71 and 73 still further through the creation of a two storey brick elevation that would run along almost the entire length of their rear boundaries. In particular, the loss of the gap between the rear of No. 69 and its garage as a consequence of the proposal would result in a very claustrophobic feel for the occupants of both dwellings when using their rear conservatoires and gardens to sit out in and relax as it would remove one of the few vantage points from which the occupants are able to view the wider area beyond that of the close walls of neighbouring houses.
7. For these reasons, I consider that the development proposed would be significantly harmful to the living conditions of the occupants of Nos. 71 and 73, with particular regard to outlook.
8. I note the appellant's reference to other extensions and alterations that have been constructed in the area. Whilst they may be similar to the appeal proposal, the main issue in this case is the effect of the proposed extension on the living conditions of the occupants of Nos. 71 and 73 as a direct consequence of the development proposed at No. 69. That is necessarily a place specific assessment and I have therefore determined this appeal on that basis and on its own merits. Whilst the appellant has referred to a garage scheme that has been approved and would be constructed at the rear of No. 71, no specific details such as the exact location and dimensions of the garage are before me. In any event, garages are normally single storey buildings and it would therefore be likely to be considerably lower in height than the two storey appeal proposal before me and less harmful to the living conditions of neighbouring occupants as a consequence. Whilst the rear conservatories at Nos. 71 and 73 may be subsequent additions, they were presumably constructed to enhance the living conditions of the occupants and, from what I saw at the site visit, do not have a detrimental effect on the living conditions of other neighbouring occupants.
9. Accordingly, I conclude on this main issue that the development proposed would be harmful to the living conditions of neighbouring occupants at Nos. 71 and 73 Stone Lea, with particular regard to outlook. The proposal would therefore conflict with policy H2 (Primary Housing Areas), BE1 (General Design Criteria) and BE2 (Privacy, Daylighting & Amenity) of the Replacement Calderdale Unitary Development Plan which together seek to ensure that new development does not significantly affect the amenity of adjacent residents and other occupants.

Conclusion

10. For the reasons given above, I conclude that the appeal should be dismissed.

V Lucas-Gosnold

INSPECTOR