
Appeal Decision

Site visit made on 24 January 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 9 February 2017

Appeal Ref: APP/Z4718/D/16/3163310

4 Linefield Road, Upper Batley, Batley WF17 0ES

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to planning permission.
 - The appeal is made by Mr Mohammed Mulla against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/92102/E, dated 17 June 2016, was refused by notice dated 5 September 2016.
 - The development proposed is single storey rear and side extension in a conservation area.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and the Upper Batley Conservation Area.

Reasons

3. The appeal site is a detached bungalow situated on Linefield Road and is set back from the public highway. It forms part of a regular pattern of development along the south side of the road consisting of large detached bungalows of similar design and appearance on spacious plots. To the front of the appeal property is a large grassed garden area with a driveway and detached garage to the side. To the rear is a good-sized garden which is screened by hedging and shrubs to the southeast, southwest and northwest. The adjacent properties either side of the appeal site, Nos 2 and 6 Linefield Road, have similar amounts of amenity space to the front and rear and between the properties there are substantial spaces. The appeal property is located within the Upper Batley Conservation Area (CA).
 4. The proposed scheme would extend the original building considerably. Whilst the flat roof elements to the rear would lack any architectural subtlety, they would not be visually prominent. However, they would diminish the character of the host property and alter the appearance of the surrounding area. Furthermore, the combination of the rear addition and the significant side extensions would erode substantially the amount of space around the property.
 5. Despite the use of sympathetic materials and its set back from the highway, the bulk of the proposal, particularly relating to the side additions, would be prominent when viewed from the access lane at the front of the property. The side additions would result in the property appearing further elongated and would extend the building across the full width of its plot. This would effectively close the visual
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gaps between the appeal property and its detached garage and also between the property and No 6. It would therefore create a terracing effect which would be out of keeping with the prevailing spacious character of the streetscene and would be detrimental to the uniform yet spacious appearance of the group of bungalows on Linefield Road.

6. The appellant states that access paths are to be retained to each side of the property which, it is argued, would diminish any terrace effect. Notwithstanding this, the extent of the frontage of the property incorporating the proposed side additions would be substantially increased and would have a significant adverse impact on its appearance and the character of the area. Furthermore, I note that the proposed floor plan drawings submitted by the appellant indicate that there would be no gap between the proposed side extension and the existing detached garage of the appeal property. As a result, I am not convinced that the proposal would have not create a substantial and seemingly continuous frontage to the property which would be harmful to its character and appearance and that of its surroundings.
7. There is a wall between the appeal property and its boundary with No 6 which, the appellant argues, already creates a terracing effect. However, the wall is set back from the main frontage of the property by a significant distance and therefore does not form part of the main frontage of the property. The bulk, height, scale and position of the proposed side extensions would create an extended frontage which would have a greater visual impact on the streetscene. Furthermore, it would create a significant terrace effect consisting of Nos 2, 4 and 6 Linefield Road.
8. I note the substantial natural boundaries between the properties on Linefield Road to which the appellant refers and the appellant's view that these would soften any adverse impact of the proposal. However, in my view, these would have only a limited mitigating effect on the detrimental effect that the proposed development would have on the spacious character of the area.
9. Whilst reasonably localised in its extent, the effect of the scheme would be to diminish unacceptably the character, appearance and integrity of the host property and the group of bungalows on Linefield Road with consequent harm to the spacious character and appearance of the CA. Whilst the harm to the CA would be less than substantial, I have not been made aware of any public benefits of the proposal which would outweigh that harm I have identified. Moreover, the proposal would fail to preserve or enhance the character or appearance of the CA.
10. Consequently, I conclude that the proposal would have a materially harmful effect on the host property and the Upper Batley Conservation Area. It would therefore be contrary to Policies BE1, BE2, BE5 and BE14 of the Kirklees Unitary Development Plan and the National Planning Policy Framework. Amongst other matters, these policies and guidance seek to ensure that development is not detrimental to the character and appearance of buildings and the surrounding area and that it preserves or enhances the character or appearance of heritage assets, including conservation areas.

Conclusion

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

Andrew McCormack

INSPECTOR