

Appeal Decision

Site visit made on 2nd February 2017

by Alison Roland BSc DipTP MRTPI

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

Decision date: 17 February 2017

Appeal Ref: APP/Z4718/D/16/3162556

13 Hall Lane, Highburton, Huddersfield, HD8 0QW.

- 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 Mrs Carol Dudley against the decision of Kirklees Metropolitan Council.
 - The application Ref: 2016/62/92885/E, dated 23 August 2016, was refused by notice dated 20 October 2016.
 - The development proposed is single storey lean-to rear extension to form larger kitchen and downstairs w.c.
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Procedural Matter

1. The appeal form identifies the site address as Kirkburton as opposed to Highburton. However, as the latter is employed on all other correspondence, including the plans and application forms submitted to the Council, I have therefore adopted it in the header above.

Decision

2. The appeal is dismissed.

Main Issue

3. The main issue in this appeal is the implications of the proposal for the living conditions of occupiers of No 15 Hall Lane, by virtue of the potential for overbearing, oppressive effects.

Reasons

4. The appeal property which is mid terraced, has previously been extended at the rear through the addition of a two storey extension. The proposed extension would be attached to this. In its own right, it would be a modest addition to the property.
 5. However, in conjunction with the aforementioned extension, it would result in a considerable degree of projection beyond the original rear elevation of No 15, which contains a rearward facing window at ground floor. This would lead to an oppressive sense of enclosure to that window, as well as the rear of the property in general. The combined effect of the existing and proposed
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extensions at the appeal property would present a long blank wall in very close proximity to the side boundary with No 15, which would be uncomfortably overbearing thereon.

6. Although the appellant points out that the extension would be set away from the wall with No 15, the distance would be negligible and insufficient to overcome my concerns.
7. I appreciate the appellant is aggrieved with the way they were dealt with by the Council insofar as they believe they were misinformed as to whether an extension of this type would be supported. However, that is not a matter I can take into account in assessing the planning merits of the appeal.
8. Overall on the main issue, I conclude that the proposal would, in conjunction with the existing extension to the property, have an oppressing and overbearing effect on the occupiers of No 15 Hall Lane. This would bring it into conflict with Policies BE14 and D2 of the Kirklees Unitary Development Plan (UDP) Written Statement (Revised with effect from 28 September 2007), which seek to ensure that proposals do not prejudice the residential amenities of adjoining dwellings. The Council have supplied a number of additional policies with the appeal other than those cited in the Decision Notice. However, none are relevant to the main issue in question.

Other Matters

9. The site falls within the Highburton Conservation Area and I am bound by the provisions of Section 72 (1) of the Planning (Listed Buildings and Conservation Areas) Act 1990, to pay special attention to the desirability of preserving or enhancing its character or appearance. The Parish Council have expressed a concern that the original building would no longer be the dominant feature on the site and in this regard, I am mindful of that particular objective as expressed in Policy BE13 of the UDP. On balance however, as the rear of this particular terrace has been subject to substantial extensions and alterations and its original form is much altered, I consider the proposal would have a neutral impact on the Conservation Area, thereby leaving its character and appearance unharmed. However, this would not outweigh my concerns on the main issue.

ALISON ROLAND

INSPECTOR