
Appeal Decision

Site visit made on 27 February 2017

by Nigel Harrison BA (Hons) MRTPI

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

Decision date: 01st March 2017

Appeal Ref: APP/Z4718/D/16/3158482

2 Broadgate, Almondbury, Huddersfield, HD5 8HW

- 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 Z Hussain against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref: 2016/62/92220/W dated 1 July 2016, was refused by notice dated 26 August 2016.
 - The development proposed is the erection of first floor front and side extensions and a single-storey front extension with balcony above.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have taken the description of the proposed development from the Council's decision notice. Although it differs from that stated on the application form, I consider it more accurately describes the proposal.

Main Issues

3. The Council has raised no objections to the effect of the proposal on the living conditions of neighbours. Based on the evidence and my own observations, I find no reason to disagree and consider there are two main issues in this case:
4. Firstly, the effect of the proposed development on the character and appearance of the host dwelling and surrounding area; and secondly, the effect of the proposed development on local biodiversity.

Reasons

5. The appeal concerns a detached property in an elevated position at the junction of Broadgate and Templar Drive on a corner plot. The proposal comprises several elements: Firstly, a front facing first floor extension over the existing flat roofed extension. This would feature a double-pitched roof with twin gables; secondly, a smaller first floor extension with mono-pitch roof over the existing flat roofed side extension; and finally, a recessed ground floor front extension with its flat roof forming a balcony. It is also proposed to render the whole building (which I understand has had some fire damage). The roof would be covered with concrete roof tiles to match the existing.
 6. The *National Planning Policy Framework* (the Framework) requires local planning authorities to encourage high quality design. However, it also says
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- policies and decisions should not attempt to impose architectural styles or particular tastes, should avoid unnecessary prescription of detail, and should concentrate on guiding the development in relation to neighbouring buildings and the area generally.
7. Amongst other considerations, saved Policy BE1 of the *Kirklees Unitary Development Plan* (UDP) requires development to (i) create or retain a sense of identity in terms of design, scale, layout and materials, and (ii) respect the local topography. Policy BE2 has similar aims, and says new development should be in keeping with its surroundings. Policy BE13 specifically concerns extensions, and says these should respect the design features of the existing house and adjacent buildings. Policy BE14 says, amongst other considerations, that extensions will normally be permitted unless they would have a detrimental effect on visual amenity.
 8. The Council accepts that the appeal dwelling is unique locally in terms of its style and appearance. It is certainly not typical of the surrounding development which mainly comprises attractive regularly spaced stone built and slate roofed dwellings of traditional appearance fronting the street. No 2 has also been previously extended to the rear in a not particularly sympathetic manner with a tall, tower-like extension with a very shallow pitched roof, and the flat-roofed sections may not be part of the original design. Nonetheless, the Council considers that the design of the extensions is poorly conceived, particularly in terms of the first-floor front element, and would result in a development that is incongruous within the area. It adds that the mixture of gabled and lean-to roofs do not reflect others typically found in the area, and as such would not reflect local distinctiveness.
 9. I too have considerable reservations about the design of the proposed extensions; with the roof form in particular being somewhat confused and not wholly resolved. However, whilst not entirely convinced that the extensions would improve the overall appearance of the host dwelling, I consider on balance that they would not materially detract from its appearance or harm the established character and appearance of the area. Furthermore, the proposal to clad the building in a uniform painted render would, to my mind, represent an improvement in the appearance. This is one situation where it would be difficult and perhaps inappropriate to devise a form and style of extension which would reflect local distinctiveness.
 10. To summarise, I am satisfied on this issue that the proposed development would harmonise with the design of the host dwelling and respect the character and appearance of the surrounding area. As such, I find no conflict with saved UDP Policies BE1, BE2, BE13 and BE14.

Biodiversity

11. The Council's second reason for refusal states that the appellant has failed to demonstrate that there would not have no adverse effect on bats or areas of bat roost potential, arising from the proposal, which (in the absence of a survey) may be present. Bats are protected principally under the *Conservation of Habitats and Species Regulations (2010)*, and UDP Policy D2 (vii) says planning permission will only be granted where proposals do not prejudice wildlife interests. Additionally Paragraph 118 of the Framework states that planning permission should be refused if significant harm to biodiversity cannot be avoided or mitigated against.

12. The site is within the 'bat alert layer' identified on the West Yorkshire Ecology website, is close to woodland, and the property has some damaged eaves and boarding. Consequently the Council's Biodiversity Officer considers that the dwelling and site has bat roost potential, and in the absence of a bat survey I find no reason to take a contrary view. It follows that without a survey I am unable to make an informed decision as to the impact of the proposal on local biodiversity (including appropriate mitigation measures if bats are identified as being present).
13. Circular 06/2005¹ makes it clear that a survey should be carried out before planning permission is granted where there is a reasonable likelihood of a protected species being present on site or affected on site or affected by the proposed development. It further advises that surveys should only be required by planning condition in exceptional circumstances. No exceptional circumstances apply here, and consequently I cannot conclude on this issue that the proposal would not be harmful to the site's ecological interest. As such it would conflict with UDP Policy D2 (viii), Circular 06/2005, and National policy in the Framework.

Conclusion

14. I have found that the proposal would not materially harm the character and appearance of the host dwelling and surrounding area. However, without a bat survey prepared by a competent authority I cannot conclude that the proposal would not harm local biodiversity. This represents an overriding objection which must be decisive. As such, the proposal would conflict with the policies in the development plan and the Framework taken as a whole.
15. Therefore, for the reasons given above and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Nigel Harrison

INSPECTOR

¹ Circular 06/05: Biodiversity and Geological Conservation –Statutory Obligations and Their Impact Within the Planning System