
Appeal Decision

Site visit made on 10 April 2017

by Harold Stephens BA MPhil DipTP MRTPI FRSA

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

Decision date: 24 April 2017

Appeal Ref: APP/Z4718/D/17/3170623
88 Woodsome Estate, Batley WF17 7EF

- 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 Yusuf Khalifa against the decision of Kirklees Metropolitan Council.
 - The application Ref 2016/62/92766/E, dated 11 August 2016, was refused by notice dated 26 January 2017
 - The development proposed is the erection of a first floor side extension and rooms in the roofspace.
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Decision

1. The appeal is dismissed.

Main Issue

2. I take the view that the main issue in this appeal is the effect of the proposal on the character and appearance of the area.

Reasons

3. The appeal proposal relates to a two storey end terrace dwelling of red brick construction with a concrete tile roof. The dwelling has already been extended with a large porch/front extension and a ground floor extension to the side.
 4. The proposal is for the erection of a first floor side extension with rooms in the roofspace. The side extension would be built directly on the existing ground floor extension and would have the same footprint. It would be set in from the rear elevation and have a gable roof with a ridge height slightly lower than the host property. There would be a Juliet balcony to the front elevation.
 5. The statutory development plan includes the saved policies of the Kirklees Unitary Development Plan (UDP). The Council's Local Plan was published for consultation in November 2016 and in accordance with the guidance in paragraph 216 of the National Planning Policy Framework (NPPF) has limited weight in planning decisions at this stage. The site is unallocated on the UDP Proposals Map and saved policies D2, BE1, BE2, BE13, BE14 and T10 are relevant in this case.
 6. At my site visit it was plain to me that the existing building is an end terrace dwelling with a hipped roof to the side and that the corresponding dwelling at the other end of the row of terraces also has a hipped roof. Moreover, I saw that other rows of terraced properties in the vicinity had a hipped roof design.
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The appeal proposal is to form a first floor extension with a gable roof. I appreciate that amended plans were submitted to try to reduce the visual impact of the design albeit still with a gable roof design. I also note that the proposal would be constructed in materials to match the existing dwelling. However, in my view, the appeal proposal would be materially out of keeping with the surrounding development on a prominent corner site. Given that the proposed gable roof design would affect the whole street scene and visual amenity of the area, the proposals are unacceptable. The proposal would be contrary to Policies BE1 and BE13 of the UDP and to paragraphs 58 and 64 of the NPPF which require good design. On the main issue I conclude that the appeal must fail.

7. I have taken into account all other matters raised including the Design and Access Statement submitted with the application. I appreciate that the proposal would provide additional living space for a growing family. I acknowledge that the proposal would be acceptable in relation to residential amenity. It would not adversely impact on the privacy, outlook or daylight of neighbours including those at 89 Woodsome Estate and would not offend aforementioned policies in this regard. Furthermore, there would be no detriment to highway safety from the proposals in the context of Policy T10.
8. Reference is made to other properties within the wider area where extensions have been approved by the Council and which have a gable roof design. I do not have all the details about these properties. However, none of these developments persuaded me that the appeal proposal would be appropriate in this situation. Suffice it to say that each decision must be considered on its own merits and in accordance with the provisions of the development plan and any other material considerations. Planning conditions would not overcome the objections I have described. I conclude that the proposal is in overall conflict with the development plan. None of the points raised are sufficient to outweigh this conflict. The proposal would not constitute sustainable development. My overall conclusion is that the appeal should be dismissed.

Harold Stephens

INSPECTOR