
Appeal Decision

Site visit made on 24 April 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 12 May 2017

Appeal Ref: APP/A4710/D/16/3165857

Holly Leigh Cottage, Lee Lane, Shibden, Halifax, W Yorks HX3 6UJ

- 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 Andrew Crossland against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 16/01120/HSE, dated 19 August 2016, was refused by notice dated 14 November 2016.
 - The development proposed is single car garage to replace garden shed.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I saw on my site visit that a wooden frame had been erected which appeared to represent the height of the garage to eaves level, although this did not show the height of the garage roof. For the avoidance of doubt, I have based my consideration of this proposal on the details as shown on the submitted plans and associated documents.

Main Issue

3. The main issue in this appeal is the effect on the living conditions of residents of Holly Leigh Stables with regard to outlook and light.

Reasons

4. The Council and objectors to the proposal have referred to the effect of the garage on windows to the lounge of Holly Leigh Stables. I saw that the lounge contains three windows – one each on the south east and south west elevation, and a patio door to the north east. The window to the south east overlooks the garden and the wider landscape. The window to the south west looks directly onto the courtyard of the appeal site and has a relatively limited outlook. The patio door overlooks the garden and wider landscape, although the outlook it provides is limited due to its location in a corner of the room. Based on the evidence before me and my observations on site, I consider that the main outlook from the lounge is provided by the window on the south east facing elevation, with the other windows providing light and a secondary outlook.
 5. In relation to the south east facing window, I saw that there is currently a wooden shed on the appeal site directly adjacent to the site boundary near this
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window. The appellant has provided an illustration showing that the eaves of the garage would be a similar height to the shed. However, the pitched roof of the garage would be significantly higher, thereby increasing the bulk and massing of the proposed garage. Despite the plane of the roof sloping away from Holly Leigh Stables, I consider that the garage including its roof would be readily visible from the rear of Holly Leigh Stables and would have an overbearing impact on the window and the adjacent garden area. Furthermore, due to its location to the south west of this window, it would lead to loss of light and overshadowing, particularly in the latter part of the day.

6. In relation to the window on the south west facing elevation of Holly Leigh Stables, I note that this is specifically referred to in the Council's reason for refusal. Whilst the Council refer to this as a 'main aspect' window, for the reasons stated previously I do not consider this to be the case, although the window does provide a source of natural illumination for the lounge. Due to the height and bulk of the garage, and its location to the south of this window, I consider that the proposal would reduce levels of sunlight and daylight reaching this window to the detriment of the living conditions of residents of Holly Leigh Stables, which further weighs against the proposal.
7. The patio doors to the north east of Holly Leigh Stables would not be affected by the proposal. However, these doors are located in a corner of the room which limits the benefits they provide in relation to light and outlook. On this basis, I do not consider that the lack of impact on these windows would overcome the harm identified above.
8. In support of the proposal, the appellant has referred to the removal of a laurel hedge. However I saw that the height of the hedge is limited and that the ridge of the roof of the garage would be significantly higher. I also saw that the appeal site is on a hillside and that there is an elevated skyline to the west, although this is some distance away and has a limited effect on the amount of sunlight and daylight reaching the properties. I am therefore not persuaded that the removal of the hedge and the topography of the area weigh significantly in favour of the proposal.
9. Both the Council and the appellant have referred to Annex A of the Replacement Calderdale Unitary Development Plan 2006 (RCUDP) which provides additional guidance and standards on privacy, daylighting and amenity space. In particular, reference is made to a 45 degree line taken from a lounge window and its relationship to the proposed garage. However, Holly Leigh Stables is a detached dwelling, and I note that Annex A states that general rules for extensions to detached houses cannot be made due to the variety of such cases. Therefore, whilst I have had regard to the guidance on extensions in Annex A, I have given this little weight and this guidance has not been determinative in this appeal, which I have considered on its own merits.
10. I conclude that the proposal would harm the living conditions of residents of Holly Leigh Stables as a result of loss of light, overshadowing and an overbearing effect on outlook. The proposal would therefore conflict with Policies BE1 and BE2 of the RCUDP which state that development should not significantly affect the daylighting and amenity of adjacent residents. The proposal would also conflict with the core planning principles of the National Planning Policy Framework with regards to securing a good standard of amenity for all existing and future occupants of land and buildings.

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

David Cross

INSPECTOR