

Appeal Decision

Site visit made on 3 May 2017

by P Eggleton BSc(Hons) MRTPI

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

Decision date: 22 May 2017

Appeal Ref: APP/A4710/D/17/3170856

31 Castle Avenue, Brighouse HD6 3HT

- 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 S Grice against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 16/01561/HSE, dated 29 November 2016, was refused by notice dated 26 January 2017.
 - The development proposed is a two storey rear extension and porch to front.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the residents of 29 Castle Avenue with regard to light and outlook.

Reasons

3. The Council's concern relates only to the rear extension. This would result in a two storey wall, three metres deep, along the shared boundary with 29 Castle Avenue. That property has a raised rear patio area. The scale and proximity of this wall to the amenity area would undoubtedly result in the structure being unacceptably overbearing. Whilst the neighbouring residents have a large rear garden, this does not represent a good reason for accepting development that would so significantly reduce the outlook from the area immediately outside the house.
 4. The adjacent property has its main rear facing habitable windows set away from the proposed extension and this would limit the loss of outlook from those rooms. However, when using the rear door, the extension would be overbearing and overly dominant. This, together with the impact on the rear patio area, would unacceptably reduce the living conditions of the residents of 29 Castle Avenue with regard to outlook.
 5. Given the separation distance between the neighbouring rear facing windows and the extension, light levels within those rooms would remain acceptable. The proposal would substantially increase the shading of the rear patio area during the evenings but the level of shading would also be significant if a single storey extension, that would normally be considered as permitted
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development, were to be added. Nevertheless, the reduction in direct sunlight to the patio area adds to my main concern with regard to outlook.

6. As the proposal would unacceptably harm the living conditions of the residents of 29 Castle Avenue, the proposal would conflict with Policies BE1(v) and BE2 of the Replacement Calderdale Unitary Development Plan 2006 as these seek to protect the amenity of residents. As the policies generally accord with the amenity requirements of the *National Planning Policy Framework*, I afford them considerable weight.
7. I have had regard to the matters put forward by the appellant, including the provision of improved access to the large garden of the neighbouring property. I also note the support offered by other residents. Whilst I do not have concerns with regard to the appearance of either the rear extension or the front porch, I have not found there to be any matters that would be sufficient to outweigh my main concern with regard to outlook. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR