
Appeal Decision

Site visit made on 23 May 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 5 June 2017

Appeal Ref: APP/Z4718/D/17/3170261

16 Hall Lane, Kirkburton, Huddersfield, West Yorkshire 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 Mr Richard Gill against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2016/62/90093/E, dated 11th January 2016, was refused by notice dated 19th December 2016.
 - The development proposed is a side extension to replace outdoor stores.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the occupiers of 8 and 6 Hall Lane, and 52 Slant Gate, by virtue of visual impact, outlook, light and privacy.

Reasons

3. The appeal property lies at the end of a row of two storey cottages that are set off Hall Lane with a shared access in front of the cottages. The property contains a storage building attached to its side wall, which reaches a maximum height of approximately 4 metres to the ridge of its mono pitch roof and with a low eaves height to the rear. The storage building is also set on the boundary wall with No 8.
 4. No 8 forms the end property of a further row of attached cottages that extend in a close knit pattern to the side and rear of the appeal property, and which are accessed via a communal courtyard around the rear of the appeal property. Whilst a number of these properties also have a direct access onto Slant Gate, the properties at the end of courtyard, including No 8, rely on the courtyard for access.
 5. The elevation of No 8 which faces the appeal property contains the main entrance door, together with a secondary lounge window, and two small landing windows at the first floor level. This elevation is set close to the boundary with the appeal property, separated by the access path from the end of the courtyard which serves the main entrance door and the garden beyond. With the arrangement of No 8, I do not consider whether this elevation is the
-

front or rear is in itself of particular relevance in respect of assessing the effect on the living conditions of its occupiers.

6. The proposal would only be fractionally set off the boundary with No 8 within the appellant's land ownership, utilising the boundary wall and would therefore be in close proximity to the access path and elevation of No 8 that would face the proposal. The increase in massing, compared to the storage building, would be marked, due to both the proximity to No 8 and because the eaves height would be maintained across this elevation and would not decrease in height, like the current mono-pitch arrangement.
7. I consider that when utilising the access and entrance door to No 8, the proposal would appear overbearing and domineering, due to this massing and proximity. The resultant effect on views from the secondary lounge and landing windows would be to have a significant visual impact and considerably reduce the outlook. Although the secondary lounge window would be sited marginally beyond the proposal, with its proximity and massing, the proposal would be noticeably visible. I accept the main habitable room windows of No 8 are on the opposing elevation and would be unaffected. However, the windows that would be unduly affected are the only ones that provide the occupiers of No 8 with an outlook from the elevation in which they are found.
8. The proximity and massing of the proposal would also noticeably reduce daylight reaching the access and the windows on this side elevation of No 8, and it would decrease the amount of already limited light which this side of No 8 receives. I accept that due to the orientation, there would not be undue loss of sunlight, although this does not address my concerns over loss of daylight.
9. The orientation of the windows on the proposal is over the access in front of the appeal property, and any overlooking of No 8 would not be unreasonable due to the angles involved.
10. The proposal would reduce the footprint, compared to the storage building, although this is slight and would not overcome the harm I have identified caused by the proximity and massing of the proposal. The kitchen window of No 8, which is orientated over its rear garden, would not be unacceptably affected, but this does not address my concerns over the effect on the windows on the side of No 8 that would face the proposal.
11. No 6 is positioned towards the rear elevation of the appeal property, with its windows orientated down the courtyard. The proposal would be positioned well forward of No 6 and there would be limited visibility at a direct angle. No 52, which contains a number of narrow windows, is orientated towards the rear of the appeal property. The proposal would appear as a subordinate part of the appeal property when viewed from the windows of No 52. It would not unduly result in loss of light, as the proposal would be sited well back from the elevation of the existing appeal property which faces No 52, and which is significantly greater in massing than the proposal. The proposal would not appear unduly overbearing or domineering from either No 6 or No 52.
12. I consider however that the proposal would have an unacceptable harmful effect on the living conditions of the occupiers of No 8, by virtue of visual impact, outlook and light. The proposal would therefore not comply with 'Saved' Policy D2 of the Kirklees Unitary Development Plan (1999) (UDP) which seeks to protect the living conditions of residents. I also consider the proposal

does not comply with paragraph 17 of the National Planning Policy Framework because it would not secure a good standard of amenity for all existing and future occupiers of land and buildings.

Other Matters

13. The irregular arrangement of terraced cottages contributes considerably to the significance of this part of Highburton Conservation Area. The cottages are of varying shapes and sizes, and a number contain elements which are subordinate to the main property. The proposal would maintain a subordinate appearance and be constructed of matching stone with a slate roof. The appeal property already contains a front single storey extension, although this is modest in size, and when combined with the proposal, the original cottage would still remain the dominant element. I therefore consider the proposal would preserve the character and appearance of the Conservation Area.
14. I accept that the guttering on the proposal would provide for a means of rainwater disposal, which is not found on the storage building. Nevertheless, it would not outweigh the harm regarding the effect on the living conditions of the occupiers of No 8.
15. I also note that the Council's Planning Committee took their decision against Planning Officer recommendation, which they are entitled to do where there are sound planning grounds. I am also aware the planning application submission was amended in order to attempt to address the concerns of the Council. Nevertheless, I have determined the appeal on the merits of the proposal before me.

Conclusion

16. The proposal would have an unacceptable effect on the living conditions of the occupiers of No 8 by virtue of visual impact, outlook and light. Accordingly, I conclude the appeal should be dismissed.

Darren Hendley

INSPECTOR