

Appeal Decision

Site visit made on 10 May 2017

by Mrs A Fairclough MA BSc(Hons) LLB(Hons) PGDip (Barrister) MRTPI IHBC

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

Decision date: 16 June 2017

Appeal Ref: APP/Z4718/D/17/3172319

81 Chidswell Lane, Shaw Cross, Dewsbury, West Yorkshire WF12 7SF

- 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 Janet Rayner against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref:2017/62/90222/E, dated 18 January 2017, was refused by notice dated 13 March 2017.
 - The development proposed is described as "single storey rear extension, porch to front and Velux windows to existing roof".
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Decision

1. The appeal is dismissed insofar as it relates to the single storey rear extension.
2. The appeal is allowed insofar as it relates to the porch to front and Velux windows to existing roof and planning permission is granted at 81 Chidswell Lane, Shaw Cross, Dewsbury, West Yorkshire in accordance with the terms of the application, Ref 2017/62/90222/E, dated 18 January 2017, and subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 3) The development hereby permitted shall be carried out in accordance with the following approved plans so far as relevant to that part of the development hereby permitted :Plans received by the Council on 20 January 2017 Ref Nos 2017/101/01 (Web ID 621037); 2017/101/08 (Web ID 621043); 207/101/03 (Web ID 621039); 2017/101/02 (Web ID 621041); 2017/101/06 (Web ID 621042); 2017/101/07 (Web ID 621038); 2017/101/04 (Web ID 621036) and location plan (Web ID 621035).

Procedural Issues

3. The applicant's name slightly differs on the planning application and planning appeal forms. In the interests of clarity, the appellant has confirmed that her name is Mrs Janet Rayner. I have included the correct spelling in the banner heading above and I will proceed on this basis.
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Main Issues

4. The main issues in this case are the effect of the proposed development on the character and appearance of the host dwelling and the locality; and, the effect of the proposed rear extension on the living conditions of the occupiers of No 83 Chidswell Lane particularly in relation to visual intrusion.

Reasons

Character and appearance

5. No 81 is a detached bungalow, which is located in a mixed residential area with many bungalows nearby of a similar age, size, style and form.
6. The proposed porch would be positioned centrally on the front elevation. Given the relatively small size and simple details of the porch, when combined with the fact there are other porch extensions nearby, I consider that this element of the appeal scheme would respect the overall design of the host dwelling and harmonise with the character and appearance of the locality. The proposed porch extension would therefore comply with Saved Policies D2, BE1, BE13 and BE14¹ of the *Kirklees Unitary Development Plan Written Statement – Revised With Effect From 2 September 2007* (UDP). These policies require that development should not prejudice visual amenity or the character of the surroundings and that it should contribute to a built environment to create a sense of local identity and be visually attractive.
7. The appeal scheme also includes the insertion of Velux windows on the front and rear roof slopes. The Council has not referred to this element of the proposal in the submissions. In my view these are simple and small and as such are compatible to the character and appearance of the host dwelling and locality. The Velux windows would also comply with Saved UDP Policies D2, BE1, BE13 and BE14.
8. The proposed single storey rear extension would be flush with the right hand flank wall of the host dwelling. It would be about 6m wide and would extend over half the width of the rear elevation being some 9.5m wide. It would project 10m rearwards, close to the boundary with No 83. The gable roof form and use of materials would reflect those of the existing dwelling. However, due to the excessive rearward projection and width it would be a disproportionately large extension on what is a relatively modest bungalow.
9. The proposed rear extension would be viewed between the dwellings on Chidswell Lane and from the rear garden of No 83. Due to the excessive depth of the proposal, it would be visually dominant from in the rear garden and would harm the character and appearance of the host dwelling and the locality. It would significantly exceed the maximum 3m rearward projection referred to in Saved UDP Policy BE14. It would also conflict with Saved UDP Policies DE2 and BE1. Although matching materials and similar architectural features would be used, the proposed rear extension would harm the character and appearance of the host building and the locality due to its comparatively large scale, mass and form.

¹ These policies have been saved by the Secretary of State. They are consistent with the National Planning Policy Framework and I consider they can be given significant weight.

10. Moreover, the *National Planning Policy Framework* (the Framework) states that new development should always seek to secure high quality design and that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. The proposed rear extension would conflict with the Framework.

Visual Intrusion

11. No 83, the neighbouring dwelling, is on slightly higher ground than the appeal site. The existing boundary between these two properties is a high wide hedge. This hedge would be removed and a fence would be erected along the boundary. The proposed rear extension would be about 2.8m to eaves and around 4.5m to the ridge. It would therefore project above the fence and be clearly viewed from the porch/conservatory and from a rear ground floor window at No 83. Given the height of the proposal close to the boundary and its overall length, which is almost the full depth of the rear garden of No 83, it would be a dominant and visually intrusive form of development that would be overbearing to the occupiers of No 83. This would be contrary to UDP Policy D2, which states, amongst other things, that proposals should not prejudice residential amenity. Furthermore, it would be contrary to one of the Framework's core principles, which states that all development should provide a good standard of amenity for all existing occupiers.

Other Matters

12. I appreciate that the appellant considers that the proposed rear extension is necessary to provide for her future health needs and is possibly anticipating a live-in carer. However, I am not satisfied that this could not be achieved in a less harmful way. Also the development would remain long after the personal circumstances cease to be relevant. On the evidence before me the personal circumstances of the appellant does not outweigh the harmful effect that the rear extension would have on the character and appearance of the host dwelling and its locality or to the living conditions of the occupiers of No 83.

Conclusions and Conditions

13. For the reasons given above, the proposed front extension and Velux windows would comply with the abovementioned Saved UDP Policies. As these elements of the scheme are separate in nature, planning permission can be granted as part of a split decision. The Council suggested two conditions relating to matching materials and that development should be undertaken in accordance with the submitted plans. With regard to materials, in the interests of ensuring that the extension would complement the character and appearance of the host dwelling, I consider a matching materials condition is reasonable. Also, I agree with the Council that a plans condition should be imposed as this provides certainty.
14. However, the proposed rear extension would conflict with the abovementioned Saved UDP Policies and the Framework. The appeal in relation to this part of the proposal therefore fails.
15. For the reasons given above, I conclude that the appeal should be allowed in part and dismissed in part.

A L Fairclough

INSPECTOR