



Appeal Decision

Site visit made on 18 September 2017

by Elizabeth Pleasant DipTP MRTPI

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

Decision date: 18 October 2017

Appeal Ref: APP/Z4718/D/17/3181620

12 Mereside, Fenay Bridge, Huddersfield HD5 8SX

- 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 & Mrs Scott against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2017/62/90776/W, dated 6 March 2017, was refused by a notice dated 22 May 2017.
 - The development proposed is a two storey side extension and associated works.
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Decision

1. The appeal is allowed and planning permission is granted for a two storey side extension and associated works at 12 Mereside, Fenay Bridge, Huddersfield HD5 8SX in accordance with the terms of the application, Ref 2017/62/90776/W, dated 6 March 2017, 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 development hereby permitted shall be carried out in accordance with the following approved plans: Block Plan; Option 2 Plans & Elevations 16-075 01 Rev G.
 - 3) The materials to be used in the external surfaces of the extension hereby permitted shall match those used on the existing building.

Main Issue

2. The main issue in this case is the effect on the living conditions of No 22 Mereside, with particular regard to outlook and sunlight.

Reasons

3. No 22 Mereside is a mid-terraced three-storey dwelling which is situated immediately to the north of the appeal premises. The outlook from the rear elevation of this property is directly towards the existing rear elevation of 12 Mereside which is situated some 10 metres away from the windows in No 22's ground floor extension. The first floor facing living room window and French style doors are slightly further away.
4. The proposed side extension would be constructed flush with the appeal property's rear elevation. Consequently, it would be no closer to No 22 than the existing property. It is clear that the extension would be visible from both the garden area and rear elevation windows of No 22 and it would

restrict existing views across the side garden area of No 12 from those upstairs windows. However, in view of its distance from those windows, the proposed extension would not be overbearing, or have a significantly enclosing effect.

5. The outlook from the windows in the rear elevation of No 24 is currently towards and over the side garden area of the appeal property. The proposed extension would alter that outlook as the blank wall of the proposal would be situated alongside the site's common boundary and would be clearly visible from No 24. However, No 24 has a large rear and side garden area and the proposed extension would only extend partially along the common boundary. It would not therefore have a substantial enclosing effect. Furthermore, it would be no closer to No 24 than the existing property is to No 22 and would be a sufficient distance away to ensure it would not be overbearing.
6. I recognise that the garden area of No 22 currently experiences some shading, particularly in spring and late summer. It is also clear, from the evidence provided by the appellant in their grounds of appeal, that the proposal would result in some further shading of this garden during the early morning hours. However, the effects would not be significant, and nor would they occur during the afternoon or at the height of summer. Furthermore, the shading would be to the garden area only and there would be no loss of direct sunlight to the house.
7. I therefore conclude that the proposed development would not have a significantly harmful effect on the living conditions of the existing occupiers of No 22 Mereside, with particular regard to outlook and sunlight. It would not conflict with the development plan and in particular with Policies BE14 and D2(v) of Kirklees Unitary Development Plan, 2007 which seeks to ensure, amongst other things, that new development, including extensions to dwellings, do not prejudice residential amenity.

Other Matters

8. I have taken into consideration concerns relating to the proximity of mature trees. However, the Council are satisfied that the proposal would not have a harmful impact on their health. From what I saw on the site and in the absence of any substantive evidence to indicate otherwise, I concur with the Council's view.
9. I have not been made aware of any adopted policy that would prevent an occupier from extending their house just because of its original size. I therefore give this consideration limited weight.
10. I have considered the concerns raised by third parties regarding potential risks to health and disturbance during the construction phase, and in the circumstances put to me I understand those concerns. However, personal circumstances rarely outweigh planning considerations, and in this case the proposal is not for a major development where the construction period is likely to be lengthy. The weight that I can afford this consideration is therefore limited.

Conclusion

11. For the reasons given above and taking into account all other matters raised, I conclude that subject to conditions required to provide certainty and safeguard the character and appearance of the area, the appeal should be allowed.

Elizabeth Pleasant

INSPECTOR