



Appeal Decision

Site visit made on 24 October 2017

by Katie McDonald MSc MRTPI

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

Decision date: 1 November 2017

Appeal Ref: APP/A4710/D/17/3180248

2 Scholey Road, Brighouse HD6 3EW

- 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 Rebecca Collins against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 17/00559/HSE, dated 27 April 2017, was refused by notice dated 20 June 2017.
 - The development proposed is a single storey side extension.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The proposal is retrospective and I have considered the appeal on this basis.
3. The appeal form states that the description of development has not changed, but it is different from that on the application form. For clarity, I have used the description of the development given on the application form, removing the word 'retrospective' as this is not an act of development.

Main Issues

4. The main issues are the effect of the proposal upon;
 - i) the character and appearance of the host dwelling and the area; and,
 - ii) the living conditions of the occupiers of 1 and 3 Robertson Avenue.

Reasons

Character and appearance

5. The property is a two storey, red brick end-terraced dwelling, located in a relatively compact suburban residential area. The proposal is for a single storey side extension that replaced a smaller detached garage. It has a flat roof being around 3.4m high, projects approximately 3.1m from the original side elevation and is about 7.1m long. The brickwork is not an exact match to the dwelling, but given its age and weathering, it would be difficult to find an exact match and I find that the materials are not unduly harmful.
6. The extension is overly tall, featuring a blank expanse of brick work above the garage door, being the same height as the top of the canopy to the original front elevation. The flat roof is also out of keeping with the host dwelling, and the proposal has a resultant box like appearance that does not respect the proportions or traditional design of the existing building. It is a prominent,

incongruous and dominant addition that adversely affects the character and appearance of the host dwelling and the area.

Living conditions

7. The distance between the extension and 1 and 3 Robertson Avenue is around 6.5m, with Nos 1 and 3 being set at a lower land level than the appeal property. Annex A of Policy BE2 of the Replacement Calderdale Unitary Development Plan as amended (August 2006) (DP) sets out that where the relationship is main to side, a minimum distance of 12m should be maintained. The proposal falls considerably below this minimum distance.
8. The rear gardens of Nos 1 and 3 are short, and the proposal is sited in very close proximity to their rear boundary. Whilst I note that there is unlikely to be any significant loss of privacy or sunlight; due to the tall height, scale and solid mass of the extension, and its proximity to the neighbouring dwellings, there is a severe overbearing impact. This impact harmfully affects the living conditions of the occupiers of Nos 1 and 3.

Other matters

9. Whilst I note that permitted development rights may be available to the property, these rights do restrict the width and height to less than that built, and as such I attach limited weight to this as a fall-back position.
10. I acknowledge the reasons behind the design of the flat roof, for example, retention of light to the landing window and hidden gutters; and the height of the building being a result of internal ceiling heights. However, these matters do not outweigh my findings above.
11. The appellant has highlighted other developments in the local area. I have very little information on the properties' planning histories but the flat roofs that I did see were of a lesser height than the scheme before me. Furthermore, the existence of other flat roof extensions in the locality does not justify the harm I have identified.
12. I also note the alternative suggestions put forward by the appellant. Changes to the scheme before me would be subject to a planning application and I attach little weight to the alternatives.
13. I have taken into account the effect that this decision may have upon the appellant and her family given the retrospective nature of the proposal. Whilst I note the effect, in this instance, the harm that I have identified would outweigh this matter.

Conclusion

14. Consequently, the proposal fails to comply with Policies BE1 and BE2 of the DP. These policies seek to ensure that development makes a positive contribution to the quality of the existing environment and does not significantly affect the living conditions of existing occupants.
15. For the reasons given above, I conclude that the appeal should be dismissed.

Katie McDonald

INSPECTOR