



Appeal Decision

Site visit made on 6 August 2019

by D Hilton-Brown BSc (Hons) CIEEM

an Inspector appointed by the Secretary of State

Decision date: 27th August 2019

Appeal Ref: APP/A4710/W/19/3227524

4 Lindwell Place, Greetland, Elland HX4 8AS

- 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 Allan Mitchell against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 18/01009/FUL, dated 1 August 2018, was refused by notice dated 19 December 2018.
 - The development proposed is one 4 bed detached house.
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Decision

1. The appeal is dismissed

Main Issue

2. The main issues are the effect of the development on the living conditions of the occupants of No's. 5, 6 and 7 Lindwell Grove.

Reasons

3. The appeal site is situated in a residential area consisting mostly of traditional terraced houses set out in a linear fashion. The area to be developed is a rectangular plot of land, situated at the end of the terrace and presently used as a side garden by No. 4 Lindwell Place. The plot has terraced housing to the front (Dean End) and rear (Lindwell Grove) boundaries. It holds an elevated position which slopes downhill from Dean End to the parallel neighbouring terraced properties on Lindwell Grove.
4. The proposal is for a 4 bedroom, split level, detached dwelling, with a front elevation in line with the existing properties on Lindwell Place and vehicular access onto Dean End. The rear elevation will extend beyond the present building line, thus placing it in closer proximity to the properties on Lindwell Grove than the existing terraced housing. Additionally, as the rear elevation will consist of three levels, with dormer windows within the roof space, the proposed property will have a higher window line than the existing houses on Lindwell Place.
5. The elevated position and close proximity of the proposed property would have an overpowering and oppressive impact on the existing dwellings, causing visual intrusion on the present and future occupants of No's. 5, 6 and 7 Lindwell Grove. This is despite the proposed garden fence along the rear elevation boundary, which would provide some privacy from the ground floor windows of the new dwelling. However, the bedroom windows on floors 1 and 2

of the proposed property would directly overlook the gardens and windows of Lindwell Grove. This is particularly evident with No's. 5 and 6, where direct sightlines would be afforded into the habitable spaces of these dwellings, resulting in an unacceptably low level of privacy for the occupants. These properties currently have an open aspect and the elevated position of the proposed property would reduce the natural daylight they receive.

6. I therefore conclude that the development would have a detrimental effect on the living conditions of the occupants at No's. 5, 6 and 7 Lindwell Grove. This consequently conflicts with policies BE 1 and BE 2 of the Replacement Calderdale Unitary Development Plan (adopted 2006 and amended 2009). In particular it fails to comply with the amenity space standards set out in Annex A of Policy BE 2. These policies require that development does not significantly affect the private amenity of existing and future occupants.
7. I have had regard to the appellant's statement and to the reference of other new development within the vicinity, which he considers overlook existing properties. I am not aware of the particular circumstances of these cases, but noted that they are not comparable, as they have no habitable windows closely overlooking neighbouring properties. In any event, I must consider the appeal scheme on its own merits. The existence of other new dwellings in the locality does not justify the harm I have identified above.
8. I have taken into account representations about parking, access, culverts, safety, damage, character and appearance, but these are matters which do not affect my findings on the main issue.

Conclusion

9. For the reasons detailed above I conclude the appeal should be dismissed.

D Hilton-Brown

INSPECTOR