



Appeal Decision

Site visit made on 4 June 2019

by Karen Taylor MSC URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 September 2019

Appeal Ref: APP/A4710/D/19/3226335
21 Spring Hall Court, Halifax HX1 4TR

- 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 Khan against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 19/00025/HSE, dated 10 January 2019, was refused by notice dated 1 March 2019.
 - The development proposed is a two storey extension to rear.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are:
 - The effect on the character and appearance of the existing building and surrounding area.
 - The effect of the proposed extension on the living conditions of the neighbouring occupants, with reference to privacy, outlook and daylight.

Reasons

3. The site is a two-storey terraced dwelling, constructed of artificial stone and is situated within a courtyard development. The frontage to the dwelling faces Spring Hall Court, whilst the rear elevation is prominently positioned facing the corner of Spring Hall Lane and Clay Pits Lane. There is an existing rear conservatory serving the property. The rear garden area is enclosed by fencing and a large stone boundary wall. The stone boundary wall is set at a higher level than the property and runs alongside the courtyard development serving rear garden areas of adjacent dwellings and abutting Spring Hall Lane and Clay Pits Lane.

Character and Appearance

4. The proposed extension would consist of a single storey extension with a flat roof and increase in part to a two-storey extension with a dual pitched roof, forming protruding gables in a central position to the rear elevation. The single storey element would be sited along the boundary with the neighbour at No 20 Spring Hall Court and project along more than half of the existing rear elevation. Whilst there is no specific policy objection to the principle of a residential extension, I note that the proposals have been revised during the

application and that the appellant wishes to provide additional space for a growing family, but the appeal scheme would still extend the property considerably.

5. Despite the use of sympathetic materials and that the property has a set-down position from the stone boundary wall and main road, the bulk of the proposal would be dominant and prominent, particularly when viewed from along both Spring Hall Lane and Clay Pits Lane. The proposed single storey flat roof part of the extension, although not visually prominent would nevertheless diminish the character of the host building. This combined with the proposed introduction of a dual pitch roof to the first floor and large protruding gable would result in an alien feature to the existing simple roof form. As such the proposed rear extension would diminish unacceptably the character and appearance of the host building with consequent harm to the character and appearance of the surrounding area.
6. The appeal scheme would thereby be contrary to the provisions of Policy BE1 of the Replacement Calderdale Unitary Development Plan, adopted 25 August 2006. This sets out the general design criteria where development should make a positive contribution to the quality of the existing environment and maintain high standards of design. In particular, the proposal would fail to respect or enhance the established character and appearance of existing buildings and the surroundings, be visually attractive and would intrude on key views.

Living Conditions

7. It was clear from my site visit that No 20 Spring Hall Court has an existing relatively small rear garden area and the property is set back approximately 2 metres from the rear gable wall of the appeal site. This combined with the height and position of the stone boundary wall all contribute to a restriction to the amount of daylight already served to this property. Therefore, the proposed extension in regard to the projection and design of the single storey and its proximity to the boundary would exacerbate this situation resulting in it feeling dark and enclosed in the lounge and garden area for the occupiers of No 20 Spring Hall Court.
8. Secondly, the addition of the proposed first floor to the extension, would result in a significant enclosing effect on the outlook for this occupier, and would appear as an overbearing addition, when viewed from No 20 Spring Hall Court. This would contribute to a degree of overshadowing for the existing lounge and garden area and I have therefore taken the approach that the extension would exceed the guidance figures, given the scale of the extension overall and the proximity to boundaries, as set out in Annex A, Privacy, Daylighting and Amenity Space of the Replacement Calderdale Unitary Development Plan, adopted 25 August 2006.
9. I therefore conclude that the proposed development would cause significant and demonstrable harm to the living conditions of the occupiers of No 20 Spring Hall Court with particular regard to outlook and daylight. It would conflict with Policy BE1 and BE2 of the Replacement Calderdale Unitary Development Plan, adopted 25 August 2006, which together seek to ensure that all new development does not significantly affect the privacy, daylighting and amenity of adjacent residents and other occupiers.

10. The proposed extension would not have any windows that would overlook the neighbouring property at No 20 Spring Hall Court. The siting of the ground floor windows and doors would be relatively positioned to that of the existing conservatory and would not impact on No 22 Spring Hall Court. The proposed first-floor window could be dealt with by condition in terms of obscure glazing and be non-opening. Therefore, I consider the two-storey extension would not harm the privacy of those occupiers. However, this would not overcome the harm I have found in respect of daylight and overlooking.

Other Matters

11. The Council has referred to the site being within a bat alert area and that a bat assessment was not submitted. I have no evidence before me to establish the likelihood of the presence of bats or any mitigation that may be required in relation to the proposal. As such I have given this limited weight in consideration of the appeal.
12. I have considered the concerns raised about the availability of parking with the increase in bedrooms, and that the development would increase the level of noise. However, I consider the parking requirements and level of noise that would arise from the proposal are of a scale that would be unlikely to cause harm. The devaluation of house price is not a planning consideration.

Conclusion

13. For the reasons given above, and having regard to all matters raised, I conclude that the appeal should be dismissed.

Karen Taylor

INSPECTOR