



Appeal Decision

Site visit made on 3 September 2019

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 4 November 2019

Appeal Ref: APP/A4710/D/19/3232702

The Brambles, 16 Woodfield Drive, Greetland, Elland HX4 8NZ

- 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 A Kershaw against the decision of Calderdale Council.
 - The application Ref 19/00209/HSE, dated 19 February 2019, was refused by notice dated 16 April 2019.
 - The development proposed is described as 'proposed extension'.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council altered the description of proposed works to 'single storey and two storey extension to North elevation and first floor extension to East elevation.' This is also the description used by the appellants on the planning appeal form. I consider this to be a more accurate description of the proposed development and have therefore considered the appeal on this basis.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupants of No 14 Woodfield Drive (No 14), with particular regard to outlook and light.

Reasons

4. The appeal property is located on the northern side of Woodfield Drive within a small residential estate. It is a detached, two storey house with an attached single storey double garage to the side. It has a grassed garden area to the west and rear which slopes gently up towards the north.
5. The Council has raised no issues in relation to the single storey element of the extension to the north elevation and I have no reason to disagree. I shall therefore limit my consideration of the proposed development to that comprising the two storey element of the extension to the north elevation and first floor extension to the east elevation.
6. On site I noted that No 14 has a paved patio area to the rear of the garage and house and a grassed garden area which rises gently to the north west. The extensions above and to the rear of the garage of No 16 Woodfield Drive would be in very close proximity to the shared side boundary with No 14 and the single storey garage and private patio amenity space to this property. This

proximity, combined with the substantial height, length and overall massing of the extensions would cause them to be overbearing and highly oppressive when viewed from the private patio amenity space of No 14. This would create an uncomfortable sense of enclosure within this space and harm the outlook of the occupants of No 14. Furthermore, the height and length of the two storey element of the extension to the north elevation would result in a significant degree of overshadowing and loss of light to the private patio amenity space of No 14, particularly in the late afternoon and early evening. This would have a detrimental impact on the use and enjoyment of the space.

7. I am mindful that the proposed development was revised during the application process to address issues raised by the Council and objections raised by the occupants of No 14 and that, following this, the occupants of No 14 withdrew their objections. Be that as it may, I consider that this does not justify the harm that I have found.
8. I recognise that the effect of the proposed development in terms of loss of light and overshadowing of No 14 would largely be in relation to the private patio amenity space and not the grassed garden area and that the extent of the impact would vary at different times of the year. However, due to the slight slope of the grassed garden area, it is apparent that the flat paved patio area is the primary external space for sitting out in and that there would still be harm in the afternoon and evening during the months of the year when it is likely that the patio area would be used. Therefore, I consider that these factors do not outweigh the harm that I have identified.
9. Accordingly, I conclude that the proposed development would significantly harm the living conditions of the occupants of No 14, with particular regard to outlook and light. This would conflict with Policies BE1(v) and BE2 of the Replacement Calderdale Unitary Development Plan (adopted August 2006) which, amongst other things, seek to ensure that all new development does not significantly affect the privacy, daylighting, amenity and private amenity space of residents, adjacent residents and/or other occupants.

Other Matters

10. The appellants have drawn my attention to other properties nearby that have been extended to the side and rear. I viewed these when on site and from what I could see from public routes, I consider that they are not comparable to the appeal before me with respect to their location and form in relation to adjacent properties and, therefore, do not justify the harm that I have found. Moreover, I am not aware of the detailed circumstances of these developments and, in any event, I must consider this proposed development on its own merits.
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 proposed development. As such, I have given this limited weight in my consideration of the appeal.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen INSPECTOR