



Appeal Decision

Site visit made on 13 November 2019

by M Seaton DipTP MRTPI

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

Decision date: 13 December 2019

Appeal Ref: APP/Z4718/D/19/3239716 85 Mount Avenue, Huddersfield, HD3 3XS

- 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 Asiya Ashraf against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2019/62/92595/W, dated 1 August 2019, was refused by notice dated 27 September 2019.
 - The development is two-storey side and rear extensions and porch to front.
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Procedural Matters

1. In determining the planning application, I note that the Council listed the Plans and Specifications Schedule on the Notice of Decision as including Drawing Refs: MA04 Rev. B (Proposed floors) and MA05 Rev. B (Proposed elevations). However, the plans as submitted by the appellant as having been before the Council in the determination of the planning application were Drawing Refs: MA04 Rev. A (Proposed Plans) and MA05 Rev. A (Proposed Elevations), with both submitted plans indicating the porch to have been reduced in size.
2. Further to consultation with the main parties, it would appear that the Council erred in identifying Revision B within the Notice of Decision, with an acceptance that no such plans were submitted during the course of the planning application. I am therefore satisfied that the plans that were before the Council in determining the planning application were the Revision A plans identified by the Council.

Decision

3. The appeal is allowed and planning permission is granted for two-storey side and rear extensions and porch to front at 85 Mount Avenue, Huddersfield, HD3 3XS in accordance with the application Ref. 2019/62/92595/W dated 1 August 2019, and subject to the following conditions;
 - 1) The development hereby approved shall be carried out in accordance with the approved drawing numbers: MA01 (Location Plan), MA02 (Existing Plans), MA03 (Existing Elevations), MA04 Rev A (Proposed Plans), and MA05 Rev A (Proposed Elevations).
 - 2) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

4. The main issue is the effect of the proposed development on the character and appearance of the host dwelling and the area.

Reasons

5. The appeal property is comprised of a two-storey semi-detached dwelling situated on the northern side of Mount Avenue, with Lindley Moor Road located to the north of the appeal site, beyond the extent of the curtilage and rear boundary. The appeal site is set within an established residential area.
6. Planning permission was approved for two-storey side and rear extensions (*LPA Ref. 2018/91790*) in July 2018. It was evident upon visiting the appeal site that the construction of the side and rear extensions had been externally completed, albeit that internal works to the extensions were still being undertaken, but that the porch was still under construction. However, the works undertaken exhibited some variation from those approved, thus necessitating the planning application the subject of this appeal. In particular, the setback of the side extension from the front elevation has been reduced from 0.5 metres to 0.1 metres, and a limited set-down of the ridge height has been removed with the ridge line of the extension now at a consistent height across the extent of the resultant dwelling.
7. In determining the planning application, the Council has cited Policy LP24 (parts (a) and (c)) of the Kirklees Local Plan Strategy and Policies 2019 (the Local Plan), which seek to ensure that good design should be at the core of all proposals, and that good design is promoted by ensuring the form, scale, layout and details of development respects and enhances the character of the townscape, and that extensions are subservient to the original building and in keeping with the existing buildings in terms of scale and materials. My attention is also drawn to the accompanying policy justification which sets out that extensions should seek to avoid a "terracing" effect in the streetscene, where this is incompatible with the existing character of the area.
8. The Council contends that the proposed development would, by virtue of the siting, scale and design of the side extension, result in a terracing effect within the streetscene. However, even though the Council has expressed a preference that side extensions should leave a gap of 1 metre to the boundary, it has already accepted by virtue of the 2018 planning permission a two-storey extension to the boundary in this instance.
9. I accept that the two-storey side extension no longer features the extent of set-back and subservience by a varied ridge height as originally approved. However, in the context of the street scene and the approved scheme I did not find these to ultimately be the critical factors in seeking to avoid any apparent terracing effect, in contrast with the absence of a gap to the boundary. As such, although it would undoubtedly have been preferable for the development to have retained the previous set-back and set-down, I do not find that their omission from the scheme results in a harmful effect on the streetscene or the host dwelling, or appear as uncharacteristic within the area, when considered in the context of the previously approved scheme.
10. Turning to the porch, I have considered the Council's apparent contention that as the porch would exceed the permitted development right threshold for such

development and would require planning permission, that it would have an unacceptable and overly prominent impact on the streetscene. However, I observed there to be a considerable variation of design approach and scale of front extensions and porches in the area, and in this regard I disagree with the Council's position. I am satisfied that the design of the porch would neither appear as an uncharacteristic nor obtrusive feature within the streetscene or overwhelm the existing dwelling by virtue of its scale.

11. Whilst I am not persuaded by the appellant's contention that the design is particularly innovative, I do not agree with the Council's assessment of the harm which the scheme has on the character and appearance of the streetscene, area and host dwelling. Having regard to the extant planning permission from July 2018, I am therefore satisfied that the development is not incompatible with the area and does not therefore conflict with Policy LP24 of the Local Plan.

Other Matters

12. A number of other matters have been raised by interested parties in respect of the development, including concerns over the approach taken by the appellant to procedure during the course of the development, the potential for the setting of a precedent for future similar development, and a number of concerns regarding the construction and use of a garage to the rear with access on to Lindley Moor Road.
13. I sympathise with the frustration of interested parties regarding the situation which has arisen regarding the development of the appeal site, particularly in light of the Council's previous approval of an alternative scheme on the appeal site. However, whilst I would accept that there would seem to be some procedural shortcomings in the overall approach taken by the appellant, ultimately the appellant has sought to regularise the unauthorised position created by the development as constructed through the revised planning application, and ultimately by this appeal.
14. With regards the potential for the setting of a precedent for similar development to occur within the streetscene and area, as I have set out in my reasoning, there are specific circumstances related to the development of this site which have been created by the previous planning permission, which would not create a precedent leading to the unavoidable acceptance of similar development elsewhere. I am confident that the Council would continue to be able to resist unacceptable development and extensions in the area and that this approval would not set a precedent for future development.
15. With regards to issues raised regarding the positioning, impact and use of the garage to the rear of the property, these are matters beyond the scope of the appeal which is before me, given that the garage does not form part of the development under consideration.

Conditions

16. In addition to a condition regarding the identification of plans, the Council has suggested a condition related to the use of matching materials for all external surfaces of the development. Even allowing for the completion of much of the development, I am satisfied that such a condition would be necessary in the interests of the character and appearance of the dwelling and the area.

Conclusion

17. For the reasons given above, the appeal is allowed subject to the imposition of the conditions as listed.

Martin Seaton

INSPECTOR