



Appeal Decision

Site visit made on 12 June 2020

by R Cooper BSc (Hons) MCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 June 2020

Appeal Ref: APP/Z4718/D/20/3249446

61 Celandine Avenue, Salendine Nook, Huddersfield HD3 3US

- 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 Akbary Hussain against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2020/62/90243/W, dated 22 January 2020, was refused by notice dated 20 March 2020.
 - The development proposed is the erection of a 2 storey side and rear extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on the character and appearance of the area; and the living conditions of adjacent occupiers with particular regard to outlook and overshadowing.

Reasons

Character and Appearance

3. The appeal is located on Celandine Avenue, the prevailing character and appearance of the area is residential and consists of bungalows and two storey semi-detached properties, that are evenly spaced apart. Shared features include pitched roofs, side gables, and contrasting brick and render elevations.
4. The appeal site is positioned in a corner location, it has an irregular shaped plot, containing a two storey semi-detached dwelling. It possesses a marked degree of openness and separation to the side, which I observed from various parts of the street during the site visit. Its appearance contributes to the prevailing character of the area.
5. The proposed two storey extension would utilise the irregular shape of the site, and the significant space to side and rear of the property. It would be set back from the front of the host dwelling, would be of a similar height, have a substantial rear projection, and a tapered side elevation.
6. The scale of the resultant extension would be substantial and would not be subordinate to the host dwelling. Furthermore, the set back and tapered side elevation would result in a discordant feature, that would not be in keeping with the host dwelling, or the prevailing character and appearance of the area.

7. Whilst the extension would be set back from the road, and have a driveway to the side, the loss of openness and separation would be evident when viewed from the street. The scale and form of the proposed extension would not have regard to the context of the site. As such, it would be an incongruous feature within the street scene.
8. I have taken into account the staggered building line along Celandine Avenue. I also accept that the plot is large, and a sufficient garden space would be retained. However, these matters do not alter my findings with regards to the effect the proposal would have on the street scene.
9. Consequently, I conclude that the proposed extension would harm the character and appearance of the area. It would not accord with Policy LP24 of the Kirklees Local Plan (2019) and paragraph 127 of the Framework insofar as they relate to ensuring that the form, scale, and layout of new development respects the context of the site and enhances local character.

Living Conditions

10. The rear garden of the adjoining semi-detached property (No. 63), runs parallel to the appeal site, and is separated by a timber fence that runs along the shared boundary. The gardens either side of No 63 are predominantly open and the land to the rear is undeveloped, providing occupiers with a good degree of outlook.
11. The proposed extension would be two storeys in height, and have a significant rearward projection, which I note from the case officers report would be approximately two thirds of the garden's depth.
12. By virtue of the proposed extension's scale, height, and significant rearward projection, the extensive brick elevation would appear obtrusive and overbearing when viewed from the adjacent garden area, harming the living conditions of occupiers of No 63.
13. I have taken into account the separation distance from the shared boundary, however in my view, given the scale of the proposal this would not be sufficient to mitigate the harm identified above.
14. With regards to overshadowing, the proposed extension would be orientated to the south-east of No 63's garden, which is the direction of the morning and early afternoon sun. However, based on the submitted shadow analysis and the separation from the shared boundary, I am satisfied that the proposal would not cause harmful levels of overshadowing resulting in loss of light.
15. Consequently, although the proposal would not cause overshadowing, it would harm the outlook and subsequent living conditions of occupiers of No 63. It would not accord with Policy LP24 of the Kirklees Local Plan (2019) and paragraph 127 of the Framework insofar as they relate to ensuring that proposals minimise their impact on the living conditions of neighbouring occupiers.

Other Matters

16. I have taken into account the personal circumstances of the appellant regarding the need to modernise the property, provide more space, and enhance living conditions. It would also make a small contribution to local

housing stock and the economy. However, these small benefits are given limited weight which do not outweigh the harm identified above.

17. The appellant states that there are examples of other large extensions within the district and around the country. However, I have not been provided with any detailed examples. In any event, I am required to reach conclusions based on the individual circumstances of this appeal.
18. I have considered the proposed photovoltaics, that the appellant has taken into account secured by design, and that the brickwork and tiles would match those of the existing property. However, this does not alter my findings with regards to the harm identified above.
19. I understand that an alternative proposal was considered by the appellant. However, I am required to determine the appeal proposal before me. This does not alter my findings.

Conclusion

20. For the reasons given above, the appeal is dismissed.

R Cooper

INSPECTOR