
Appeal Decision

Site visit made on 4 August 2020

by Edwin Maund BA (Hons) MSc Dip UP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11th August 2020

Appeal Ref: APP/Z4718/W/20/3252941
125 Oxford Road Dewsbury WF13 4EH

- 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 Abdul Basit Patel against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2020/62/90224/E, dated 21 October 2019, was refused by notice dated 7 April 2020.
 - The development proposed is erection of dwelling and first floor extension to existing dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. Planning permission was granted by the Council Ref: 2017/93197 for the erection of a new dwelling and alterations/extensions to the existing dwelling at 125 Oxford Road, Dewsbury. This appeal scheme differs from the previous approval by virtue of the addition of a single storey extension measuring around 4m deep, it is this addition that is the subject of the dispute between the main parties. I have also been made aware that the Council have served an Enforcement Notice which is the subject of a separate appeal.
3. During my site visit I was able to see that work had commenced on the new dwelling as extended, but from what is apparent on the site the plans differ in respect of the provision or omission of a number of window openings. For clarity I have considered the appeal on the basis of the submitted drawings.

Main Issues

4. I consider the main issues to be;
 - Whether the proposed development would provide acceptable living conditions for future occupiers with regard to the provision of private amenity space; and
 - the effect of the proposal upon the character and appearance of the existing building and the surrounding area.

Reasons

Living Conditions

5. The planning permission granted by the Council for a detached house and alterations and extensions to the original house remains extent, and I shall therefore focus on the differences between the two proposals and the effect of the addition of the single storey rear extension.
6. The addition of the rear extension reduces the available space in the rear garden, and the amount of useable space is already compromised both by the bank up to the base of the footpath, but the narrowing of the site to the rear. I recognise that this would be compensated to a certain extent by the offsetting of the side boundary with the host property, nevertheless what remains is a limited space which provides little in the way of a useable private rear garden.
7. The Council have confirmed that the erection of a fence along the line of the wall which runs along the side of this footpath would not require planning permission, and I do not doubt that this would be erected to achieve a degree of privacy which currently does not exist. Nevertheless, while this would create a degree of privacy, it does not overcome the concern in respect of the lack of useable space for what would be a family home.
8. Family homes to ensure that they are of a good design should have a suitable and useable private garden area, which with the addition of this additional rear element the appeal proposal would fail to achieve. The size and configuration of the rear garden would not be adequate and would be less than what would be reasonable for a family home. I recognise that there is a significant amount of space towards the front of the house, this though is set aside for parking, manoeuvring space and landscape planting and would not fulfil the same purpose.
4. Taking this into account I consider the proposal would have an inadequate level of private garden space and would not result in acceptable living conditions for future occupiers with regard to the provision of private amenity space and would thereby be contrary to policy LP24 of The Kirklees Local Plan (2019) which amongst other things aims to achieve a high standard of amenity for future occupiers.

Character and Appearance

9. The appeal site is located on the southern side of Oxford Road, an attractive suburban street of detached properties set well back from the road along a consistent building line, behind walls and hedges with spacious front gardens. Each of the properties on this side of the road are in generous plots, but the appeal site and its two immediate neighbours have wider frontages, adding to the sense of space in this part of the street. The properties are a mixture of types and styles but are predominantly constructed of stone with traditional detailing.
10. In part it is the generous space and separation distances of the properties from each other and the public realm, that contributes to the character and appearance to such a pleasant street, and a quality environment of which the appeal site is a part. As the appeal site is adjacent a public footpath, it has two public frontages, and the space about the dwellings and the gardens available to them is appreciated to a greater degree.

11. This public footpath which runs at an angle dividing the garden of the appeal site from that of its neighbour and narrowing the appeal site significantly to the rear, and this is particularly noticeable when viewed from the footpath due to the degree it is elevated above the level of the appeal site.
12. The single storey addition would be on significantly lower ground and would be seen as a subservient feature on the rear of the house, and would have a limited effect on the new property, and while it introduces additional built form into a relatively tight space, which is constrained by the boundary footpath, it does not adversely affect the character or harm the appearance of the area.
13. I recognise that one of the positive aspects of the character of this street is the space about dwellings and the quality of environment this affords. The addition of the extension would only compromise this to a limited extent and not at all from the main frontage, where the spaciousness of plots is most appreciated. As such I do not consider in this respect the proposal before me would be contrary to policy LP24 of the Kirklees Local Plan (KLP) (2019), which amongst other things aims to ensure that new development respects the character of the townscape.

Other Matters

14. The alleged behaviour of the appellant or that work commenced in advance of permission being granted are not matters which are material to the consideration of the appeal decision and therefore I do not give these concerns weight in my determination of this appeal.
15. Third parties have referred to the previous planning history and in particular a previous appeal rejecting a proposal to construct a dwelling on this site. This decision was for a larger dwelling and preceded the decision by the Council to grant a planning permission for a dwelling and for alterations and extensions to the host property. I do not consider therefore that this appeal is a comparable situation to that which was before the previous Inspector.

Conclusions

16. Whilst I have not found that the additional rear extension would adversely affect the character of the area, I do not consider that suitable living conditions for future occupiers would be achieved and consequently the appeal is dismissed.

Edwin Maund

INSPECTOR