



Appeal Decision

Site visit made on 1 September 2020

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 17 September 2020

Appeal Ref: APP/Z4718/W/20/3249812

6 Sugar Lane, Dewsbury WF12 7AN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for planning permission.
 - The appeal is made by Ms Jenny Holmes against Kirklees Metropolitan Borough Council.
 - The application Ref 2020/90251, is dated 27 January 2020.
 - The development proposed is two storey side extension incorporating terrace above ground floor.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Background and Main Issue

3. The appeal was submitted following the Council's failure to give notice of its decision within the prescribed period. In its Statement, the Council has indicated the reasons for refusal had it resolved to determine the application. The appellant has been given the opportunity to comment on these.
4. On the basis of the indicative reasons for refusal in the Council's Statement, the main issue is the effect of the proposal on the character and appearance of the host building and the wider area.

Reasons

5. The appeal property consists of a detached dwelling set within a relatively large plot. Due to the sloping topography of the area, the dwelling is prominent in the streetscape, particularly in views from Sugar Lane and at the junction with Almscliffe Avenue.
6. The proposal would lead to a significant extension to the dwelling. When viewed from Sugar Lane this would result in a slab-sided building of significant bulk. As well as the scale of the extension, this obtrusive appearance would

also result from the continuation of the gable wall with no set back. The simple fenestration would do little to mitigate the stark appearance of this elevation. The massing of the extended dwelling would contrast uncomfortably with the more modest dwellings nearby on Sugar Lane. The gable wall of the extension would also be an obtrusive feature in views from the junction with Almscliffe Avenue. On its own merits the proposal would represent a disproportionate and overdominant extension to the dwelling, but this would be exacerbated by the elevated position of the building in some views, which would add significantly to the prominence of the proposal.

7. The Council also refers to the effect of the raised balcony which would be relatively extensive. However, the glazed wall around the balcony would be of a lightweight appearance which would mitigate the harm arising from the scale of the balcony. Furthermore, the balcony wrapping around one corner of the building would not appear to be unduly incongruous as, due to the arrangement of the site, it would not be viewed in the immediate context of nearby dwellings. It would also reflect the elevated terrace of the adjacent property on Almscliffe Avenue and would complement the stepped down arrangement of nearby plots. The balcony would therefore not appear as an unduly incongruous feature.
8. A degree of screening is provided by trees and shrubs within the site. However, I saw that the extended building would be readily visible even with this planting in place.
9. Notwithstanding my conclusions in respect of the balcony, I conclude that the proposed extension due to its scale, design and location would lead to significant harm to the character and appearance of the host building and the area. The proposal would therefore be contrary to the design requirements of Policy LP24 of the Kirklees Local Plan 2019.
10. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR