



Appeal Decision

Site visit made on 28 September 2020

by A Caines BSc(Hons) MSc TP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 October 2020

Appeal Ref: APP/A4710/D/20/3256240

4 Kelvin Avenue, Halifax HX2 7LU

- 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 Booth against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 20/00215/HSE, dated 25 February 2020, was refused by notice dated 16 June 2020.
 - The development proposed is decking to front.
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Decision

1. The appeal is allowed and planning permission is granted for decking to front at 4 Kelvin Avenue, Halifax HX2 7LU in accordance with the terms of the application, Ref 20/00215/HSE, dated 25 February 2020, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan; Plans and Elevations as Proposed 2020/0019/0002.

Main Issues

2. The main issues are the effect of the development on the character and appearance of the area; and upon the living conditions of the occupiers of 1 and 2 Kelvin Avenue, with particular regard to privacy.

Reasons

Character and appearance

3. The appeal property is a semi-detached house with a front garden that slopes steeply down to the road. The streetscene in which it is situated contains a mix of house types, size and design. No 2 already has decking which was permitted by the Council. There are also other forms of front decks and patios in the surrounding area.
4. The proposed decking would largely mirror the decking at No 2. Thus, whilst it would add to the amount of decking, it would be no more prominent or intrusive within the streetscene. Overall, the proposal would not be unduly conspicuous and would have limited impact on the character of this suburban residential locality.

5. I conclude, on this issue, that the development would not cause unacceptable harm to the character and appearance of the area. Thus, it would comply with saved Policy BE1 of the Replacement Calderdale Unitary Development Plan: As Amended 2009 (UDP), which among other things, requires development to respect the established character of the area.

Living conditions

6. The front of the properties are open to public view from the street and also overlooked by existing windows. In addition, there is already potential for views into the front bay windows on both sides as the occupants come and go from their front doors. In this context, and mindful that the Council has permitted the decking at No 2, the proposal would not lead to unacceptable loss of privacy to the occupiers of No 2.
7. Similarly, the front dining/lounge window of No 1 faces the street. It is also across the road, some 15m from the proposed decking according to the Council, and at a lower level. Thus any impact on this window would be limited, particularly given the existing decking at No 2.
8. I conclude, on this issue, that the development would not unacceptably harm the living conditions of the occupiers of 1 and 2 Kelvin Avenue, with particular regard to privacy. Thus it would comply with UDP Policies BE1 and BE2, which among other things, require that development does not significantly affect the privacy of neighbours.

Conditions

9. The only conditions suggested by the Council are the standard commencement and approved plans conditions, which I have imposed for the avoidance of doubt and in the interests of proper planning.

Conclusion

10. For the reasons given, and subject to the conditions as set out, the appeal should be allowed.

A Caines

INSPECTOR