



Appeal Decision

Site visit made on 12 October 2020

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

an Inspector appointed by the Secretary of State

Decision date: 28 October 2020

Appeal Ref: APP/Z4718/D/20/3256627

10 Bradfield Close, Bradley, Huddersfield HD2 1PL

- 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 Lee Hodgkins against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2018/62/92870/W, dated 23 August 2018, was refused by notice dated 29 April 2020.
 - The development proposed is erection of two storey side extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During the course of this appeal it became apparent that the Council had issued incorrect notification letters in respect of the appeal. The Council were requested to issue the correct letters and I am satisfied that this has been done.
3. In Part E of the appeal form a description of the development has been given which accords with that set out in the Council's Decision Notice. This also reflects the description used in the appellants written evidence. Accordingly, I have used this amended description in the heading above.

Main Issues

4. The main issues are the effect of the proposal on the:
 - Character and appearance of the host building and the area; and
 - Living conditions of nearby residents with regards to outlook.

Reasons

Character and Appearance

5. The proposal would be a substantial extension to the side of the dwelling. It would be of an unorthodox appearance as it would project forward of the stepped back entrance lobby and would project significantly forward of the immediate extent of the dwelling at first floor level. Although it would not project forward of the main front elevation of the house, the set-back between the host building and the extension would give the proposal an incongruous

and contrived appearance with the character of a separate building within the site.

6. Due to the arrangement of the site and its location at the head of a cul-de-sac, the proposal would not be prominent in views from the wider area, although it would be visible from the highway within the cul-de-sac. I also saw that there was a variety of building designs in the area, including a number of large dwellings and significant extensions. However, even within that context, the form of the proposal would appear as an incongruous addition to the host building.
7. The ridge line of the extension would be lower than that of the host dwelling, although this would not mitigate for the poor design and scale of the proposal. Rather than being subservient to the host building, the proposal would be a substantial and unsympathetic addition to it.
8. The appeal site provides an open aspect in views from a courtyard to the rear, which is enclosed by buildings on two and a half sides. However, open views from this courtyard are compromised to a degree by existing means of enclosure and landscaping. Furthermore, the proposal would not completely enclose this courtyard. This matter does not therefore weigh against the proposal, although this does not lead me to a different conclusion in respect of the inappropriate design of the extension for the reasons stated previously.
9. I conclude that the proposal would be of a design and scale that would lead to significant harm to the character and appearance of the host building and the area. The proposal would therefore be of a form and scale contrary to the design requirements of policy LP24 of the Kirklees Local Plan 2019 (the Local Plan). The proposal would also be contrary to the National Planning Policy Framework (the Framework) with regards to achieving well-designed places.

Living Conditions

10. The proposed extension would project in close proximity to the rear boundary of adjoining dwellings at 26 and 28 The Green. Due to the height and massing of the proposal and the limited separation distance from the rear elevations of the neighbouring properties, the extension would appear as an unneighbourly and overbearing feature in views from habitable rooms to the rear of Nos 26 and 28. The proposal would also appear as an oppressive feature in views from the neighbouring garden area.
11. The appellant contends that the proposal would introduce more visual interest compared to the existing side elevation. The proposal would also remove existing windows on the side elevation of the host building, although I saw that these windows were of a form and separation distance that did not lead to intrusive overlooking of neighbouring dwellings. Due to the orientation of the site, the proposal would also not lead to significant overshadowing of Nos 26 and 28. However, these matters would not mitigate the significant harm arising from the appeal proposal in respect of outlook.
12. The appellant also refers to a separation distance used in a previous version of the development plan. However, this is not referred to in current development plan policy, and consideration of this matter does not lead me to a different conclusion with regards to outlook based upon what I have seen and read.

13. I conclude that, due to its design and location, the proposal would lead to significant harm to the living conditions of neighbouring residents in respect of outlook. The proposal would therefore be contrary to policy LP24 of the Local Plan which seeks to minimise impact on the residential amenity of neighbouring occupiers. The proposal would also conflict with the Framework with regards to achieving a high standard of amenity for existing and future users of land and buildings.

Other Matters

14. I note the frustrations expressed by the appellant in relation to the advice from the Council on a previous planning application and the process leading up to this appeal. However, this is not a matter for this appeal which I have determined on its planning merits.

Conclusion

15. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR