



Appeal Decision

Site visit made on 29 October 2020

by A M Nilsson BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 16 November 2020

Appeal Ref: APP/Z4718/D/20/3258278

11 Oakfield Drive, Lower Hopton, Mirfield WF14 8PX

- 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 & Mrs Aquith against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2020/62/90673/E, dated 29 February 2020, was refused by notice dated 3 June 2020.
 - The development proposed is erection of dormer extension and gable lift.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

3. The appeal property is a detached split-level dwelling, appearing as three-storeys on the front and two-storeys at the rear. It is located in a residential area as part of a planned development using similar styles and materials. The rear of the property overlooks Waste Lane where there is a low boundary wall.
4. The appeal proposal comprises two main elements, namely the increase in the height of the main roof of the dwelling and the installation of a dormer window in the resulting roof.
5. The Council consider that on its own, the increase in the height of the roof would not, on balance result in significant harm. I agree, that although this element would make the dwelling more prominent and depart from the roof slopes of the similar properties nearby, in isolation, it would not cause unacceptable harm to the character and appearance of the host property or the surrounding area.
6. Due to its design, size and siting I find that the proposed dormer window would dominate the rear elevation of the property, appearing bulky and incongruous. It would be level with the new ridge height and only be marginally set back from the sides and eaves, failing to be subordinate or respect the character and appearance of the host property. It would be highly prominent when viewed from Waste Lane causing harm to the appearance of the property and the surrounding area. Due to the gap between properties, the dormer would also be clearly visible from Oakfield Drive, where for the same reasons, harm would

be caused, although this would be less than the direct line-of-sight views from Waste Lane.

7. I therefore conclude that the proposal, when taken as a whole, would have an unacceptable impact on the character and appearance of the host property and the surrounding area. It would be contrary to Policy LP24 of the Kirklees Local Plan (2019) which requires, amongst other things, that proposals should promote good design by ensuring the form, scale, layout and details of all development respects and enhances the character of the townscape.
8. The proposal would also conflict with the National Planning Policy Framework (the Framework) (2019) that outlines, amongst other things, that planning decisions should ensure that developments add to the overall quality of the area; are visually attractive as a result of good architecture; and that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area.

Other Matters

9. In support of the appeal, the appellant has referred to a dormer window at 27 Oakfield Drive. Although I do not have full details of the background to this installation, unlike the appeal proposal, it does not extend up to the eaves of the roof, nor is it prominent or visible from Waste Lane as the appeal proposal would be. In any event, I have determined the appeal on its own individual planning merits.
10. The appellant has also referred to an approved proposal at 7 Oakfield Drive for an increase in roof height. This property is however a different style property, in a different location to the appeal site. I therefore draw little comparison to the previous approval and the appeal proposal and again, I have determined the appeal on its own individual planning merits.
11. Reference is made to other dormer windows in the surrounding area, although specific properties are not referred to. I accept that many of the surrounding properties have been altered, however it does not override the harm I have identified with the appeal proposal.
12. The appellant has referred to the implementation of Class AA of the General Permitted Development Order¹ as a fallback position. The implications of this for the appeal proposal have not been fully explored and I do not have sufficient evidence that would confirm the proposal would comply with the limitations of the Order to give it weight in the appeal process.

Conclusion

13. For the reasons given above, and having had regard to all other matters raised, I therefore conclude that the appeal should be dismissed.

A M Nilsson

INSPECTOR

¹ The Town and Country Planning (General Permitted Development) (England) (Amendment) (No. 2) Order 2020