



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: 17 November 2020

Appeal Ref: APP/Z4718/D/20/3258205

53 Scarborough Street, Savile Town, Dewsbury WF12 9AY

- 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 Ms Halima Younus against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2020/62/91135/E, dated 15 April 2020, was refused by notice dated 10 June 2020.
 - The development proposed is the erection of a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single storey rear extension at 53 Scarborough Street, Savile Town, Dewsbury WF12 9AY in accordance with the terms of the application Ref 2020/62/91135/E, dated 15 April 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 plan; Proposed Plans and Elevations, Drawing Number S02.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. I have taken the description of development from the Council's Decision Notice as this is more precise.

Main Issues

3. The main issues are the effect of the proposed development on 1) the character and appearance of the host property and the surrounding area, and 2) the living conditions of the occupants of 51 Scarborough Street with regard to outlook and light.

Reasons

Character and appearance

4. The appeal property is a three-storey semi-detached dwelling. It is located in a residential street of predominantly three storey houses.

5. The property has an existing single storey outbuilding located at the bottom of the garden that runs along the common boundary with the neighbouring property 51 Scarborough Street.
6. The existing out-building is visible from outside the site. The proposed development, which would encompass the existing outbuilding and develop the gap between it and the host property, would also be visible from outside the site. Given its size, siting and scale, comprising a single storey extension, I do not consider it would appear dominant or incongruous in the area, that includes existing garages, extensions and other outbuildings. I also consider that the use of materials to match the host building, which could be secured by condition, would further alleviate the impact on the surrounding area.
7. In view of the overall size of the property, over three storeys, when considered against the size and scale of the proposed extension, I do not consider that it would fail to be subservient to the host building. Although the Council consider that the scheme would retain a modest amount of amenity space, they consider that it would constitute the overdevelopment of the property. Taking into account the space taken up by the existing outbuilding and the space that would remain undeveloped, I find that the size of the extension would not amount to overdevelopment.
8. I therefore conclude that the proposal, would not have an unacceptable impact on the character and appearance of the host property or the surrounding area. It would comply with 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, and that extensions are subservient to the original building, and are in keeping with the existing buildings in terms of scale, materials and details
9. The proposal would also comply with Chapter 12 of 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.

Living conditions

10. As outlined above, the proposed extension would effectively develop the gap between the host dwelling and the existing outbuilding, where it would create an extension that runs the full length of the common boundary with 51 Scarborough Street.
11. At present, there is an existing boundary wall of around 1.8m in height between the two properties. When viewed from 51 Scarborough Street, the proposed extension would be visible above the existing wall, however most of it would be screened. Less than 1m of the extension would be visible above the existing boundary treatment when viewed from 51 Scarborough Street. Although the overall height of the extension rises to 3m, this is in relation to the ridge of the extension that would be positioned further into the site.
12. I find that given the relatively small amount of the proposed extension that would be visible, when it is compared to the existing situation, there would not

be an overly dominant effect or an unreasonable loss of outlook for the occupiers of 51 Scarborough Street. Although, given the orientation of the properties there is likely to be a small reduction in the amount of light and sunlight, given the overall size of the extension, including when compared to the existing situation, I do not consider that this would be unreasonable.

13. The proposed extension would therefore not have an unreasonable impact on the living conditions of the occupiers of 51 Scarborough Street with regard to outlook and light. Accordingly, it would comply with Policy LP24 of the Kirklees Local Plan (2019) which requires, amongst other things, that proposals should minimise impact on residential amenity of neighbouring occupiers.
14. The proposal would also comply with Chapter 12 of the Framework that outlines, amongst other things, that development should achieve a high standard of amenity for existing users.

Conditions

15. In addition to the standard time limit condition, I have imposed a condition requiring that the development is carried out in accordance with the approved plans for the avoidance of doubt and in the interests of certainty. In the interests of the character and appearance of the area and the host property, it is necessary to impose a planning condition requiring the use of matching materials.

Conclusion

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

A M Nilsson

INSPECTOR