



Appeal Decision

Site visit made on 8 February 2021

by L Wilson BA (Hons) MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19th February 2021

Appeal Ref: APP/Z4718/D/20/3263203

4 Co-operative Street, Dewsbury WF12 8QA

- 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 Amy Fox against the decision of Kirklees Metropolitan Council.
 - The application Ref 2020/62/91953/E, dated 24 June 2020, was refused by notice dated 26 August 2020.
 - The development proposed is first floor extension above side single storey.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposed development upon the living conditions of the occupiers of flat 2, 538 Wakefield Road (flat 2), having regard to outlook.

Reasons

3. The appeal site relates to a semi-detached dwelling located within an urban area. The proposed extension would introduce a first floor above the existing single storey side extension. The scheme would be in close proximity to the windows of flat 2. Based on the evidence before me, I understand that the concerned window serves a living room.
4. Although the window in question currently faces towards the appeal building, the proposed development would result in a limited gap between the proposed first floor and window. The outlook from the window would be dominated by the extension and would result in the window facing primarily a blank wall. The scheme would result in an oppressive form of development, creating a claustrophobic feeling due to the proximity of the window to the proposed extension. Thus, the proposed development would have an overbearing impact upon flat 2 because of the height, bulk and massing of the extension in proximity to the window. Accordingly, the development would have a detrimental impact upon the outlook from this window and would have an adverse impact upon the living conditions of the occupiers of flat 2.
5. The appellant asserts that the flat has a dual aspect with its main living room window facing Co-operative Street and the windows facing the appeal site are secondary. However, the appellant has not submitted any substantive evidence

to show that this is the case. Thus, I cannot be sure that the main living room windows of the flat face Co-operative Street.

6. Consequently, the scheme would conflict with Policy LP24 of the Kirklees Local Plan: Strategy and Policies (2019) which seeks, amongst other matters, to promote good design which provides a high standard of amenity for neighbouring occupiers. It would also not comply with the National Planning Policy Framework which requires new development to provide a high standard of amenity for existing users.
7. I acknowledge the matters raised by the appellant in terms of aesthetic improvements, no objection from the tenant of flat 2, the appeal building existed before the flats, permitted development rights relating to extending upwards and the scheme would provide additional living space for the appellant and their family. However, these are not considerations which would outweigh the harm identified and there is no suggestion that the proposal would benefit from such permitted development rights.

Conclusion

8. For the reasons given above, the appeal should be dismissed.

L M Wilson

INSPECTOR