



Appeal Decision

Site visit made on 4 February 2021

by M Seaton DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 February 2021

Appeal Ref: APP/A4710/W/20/3261147
3B Bonegate Road, Brighouse, HD6 1TQ

- 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 J Grewal (on behalf of GRE Investments Ltd) against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 19/01382/FUL, dated 20 November 2019, was refused by notice dated 14 April 2020.
 - The development proposed is the raising of the roof to form two one-bedroom studios on new first floor.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are;
 - the effect of the proposed development on the character and appearance of the area; and,
 - whether the proposed development would safeguard the living conditions of the neighbouring occupiers of No. 2 Kimberley Street, having regard to outlook.

Reasons

Character and appearance

3. The appeal site is on the southern side of Bonegate Road and is occupied by a single storey building split into two separate commercial/retail units. The larger unit, the subject of the appeal, is set at a higher level being further up the slope of the hill and possesses a pitched slate roof. The predominant form of development within the immediate vicinity was observed to be 2-storey residential terraces.
4. The proposed increase in the height of the building through the raising of the roof by an indicated 640mm would facilitate the space for the first-floor accommodation. I recognise that the single-storey building already appears as something of an anomaly in contrast with the overwhelmingly two-storey form of development in the area. However, I am satisfied that whilst the increased height of the building would visually alter the appearance of the unit from Bonegate Road, this aspect of the changes would not result in a harmful visual

impact in the context of the street scene or the relationship of the existing building to the character of the area. This would at least in part be assisted by the proposed use of matching materials.

5. Turning to the proposed front dormer windows, the overall scale of the three dormer windows would appear as a prominent feature on the building and within the street scene. The ridge of the two larger dormer windows would be just below the height of the main ridge of the building and the base of the dormers would sit only just above the proposed eaves level. Taken in combination with the overall cumulative width of the dormer window development, and despite the incorporation of pitched roofs, the extensions would dominate the front roof slope and would not appear as subservient to the existing building or high-quality additions from a design perspective.
6. The proposed design approach would be a clear departure from the form of the few examples of other front dormer windows observed within the wider area, where the extent of development appears to be accommodated far more comfortably within the form and scale of the roof slope of the respective properties. Whilst it is appreciated that the size of the dormer windows would be dictated by the need to achieve the required usable accommodation within the front studio flat, this would not justify the obtrusiveness of the proposed development.
7. The proposed development would therefore result in an adverse impact on the character and appearance of the area. This would conflict with saved Policy BE1 of the Replacement Calderdale Unitary Development Plan 2006 (the UDP), which requires development to make a positive contribution to the quality of the existing environment or maintain that quality by means of high standards of design.

Living conditions

8. The Council has expressed concern that the raising of the eaves and roof level would result in an adverse impact on No. 2 Kimberley Street (No.2) to the rear of the appeal site. It is contended that the position and scale of the proposed rear dormer would have an adverse and overbearing impact on the rear garden and windows of the neighbouring dwelling.
9. I have carefully considered the relationship between the appeal property and No.2. I accept that the experience for occupiers of the neighbouring property and users of the rear garden will be altered by virtue of the increased scale of the building and the construction of the rear dormer extension. However, the rear elevation of No.2 is orientated slightly away from the appeal property, and even allowing for the increased scale and impact of the resultant building, I am satisfied that it would remain in the periphery of the outlook from the rear windows of No.2. Whilst I recognise that the impact would be more keenly felt by users of the rear garden, I am not persuaded that any additional impact from the increased size of the appeal property would be so significant as to result in the contended overbearing impact.
10. I am therefore satisfied that the proposed development would not result in an overbearing or adverse impact on the living conditions of the neighbouring occupiers of No. 2 Kimberley Street. The proposal would therefore accord with saved Policy BE2 of the UDP which seeks to ensure that development proposals

do not affect the privacy, daylighting and private amenity space of adjacent residents or occupiers.

Other Matters

11. I have had regard to the submissions of interested parties on other matters arising from the proposed development, but as a consequence of my overall conclusion on the appeal I have not been required to address these issues in connection with my decision-making.

Planning Balance and Conclusion

12. The provision of 2 additional residential units would make a very limited positive contribution to the local housing market, which must weigh in support of the proposal. The development would also provide some very limited economic support for the services and facilities within the settlement as would there be the potential for some further limited benefit during the construction period.
13. I have accepted that the proposed development would not have an adverse effect on the living conditions of the neighbouring occupier. Whilst I have not been provided with any information related to the housing position within the Council area, even if there was a pressing housing need where paragraph 11 of the National Planning Policy Framework was engaged, I am satisfied that the policies identified as most important to the determination of the appeal remain consistent in aim and objective with the Framework. Furthermore, I am satisfied that in such a scenario the harm to the character and appearance of the area would significantly and demonstrably outweigh the benefits, when assessed against the policies in this Framework taken as a whole. I have not found the development to be in accordance with the saved policies of the Development Plan.
14. For the above reasons the appeal is dismissed.

Martin Seaton

INSPECTOR