



Appeal Decision

Site visit made on 1 February 2021

by Elizabeth Pleasant BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 1 March 2021

Appeal Ref: APP/Z4718/C/20/3259938

Land at 42 Rose Terrace, Fartown, Huddersfield HD1 6JL

- The appeal is made under section 174 of the Town and Country Planning Act 1990 as amended by the Planning and Compensation Act 1991.
 - The appeal is made by Mr Rana Majid Hussain against an enforcement notice issued by Kirklees Metropolitan Borough Council.
 - The enforcement notice was issued on 13 August 2020.
 - The breach of planning control as alleged in the notice is: Without planning permission, the erection of a single storey rear extension and rear dormer extension.
 - The requirements of the notice are:
 - a) Dismantle and permanently remove the single storey rear extension, including any resultant debris and materials.
 - b) Dismantle and permanently remove the rear dormer extension, including any resultant debris and materials.
 - The period for compliance with the requirements is 90 days.
 - The appeal is proceeding on the grounds set out in section 174(2)(a) of the Town and Country Planning Act 1990 as amended. Since an appeal has been brought on ground (a) an application for planning permission is deemed to have been made under section 177(5) of the Act as amended.
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Decision

1. The appeal is dismissed and the enforcement notice is upheld. Planning permission is refused on the application deemed to have been made under section 177(5) of the 1990 Act as amended.

Appeal on ground (a), deemed planning application

Main Issues

2. The main issues in this appeal are the effect on the:
 - character and appearance of the host property and surrounding area; and
 - living conditions of the occupiers of 30 Hawthorn Terrace.

Reasons

Character and appearance

3. The appeal property is a mid-terraced two-storey dwelling. Rose Terrace forms part of a series of short stone terraces which run at right angles to Calton Street and Alder Street. The terraced properties, which front onto pedestrian walkways and are separated by narrow rear access lanes, have a

visually distinct appearance derived from the intimate layout of the properties, their simple form and the consistent use of materials.

4. The dormer window has been constructed on the rear roof slope of the property. However, the layout of Rose Terrace is such that its rear elevation is clearly visible from neighbouring Calton Street and Alder Street. The dormer fills the whole of the rear roof slope of No 42, and its bulk and form are accentuated by the white plastic cladding that it has been faced in. It appears as a dominant and discordant feature on this traditional vernacular terrace and has a significant and harmful effect on the appearance of both the host property and the surrounding area.
5. The ground floor rear extension is similarly clearly visible from the adjoining streets. It extends across the full width of the property's rear elevation and its footprint occupies the whole of the rear yard. By reason of the extension's scale and bulk the rear elevation of the original property is barely discernible. Furthermore, its poor detailing, which includes overhanging eaves, unsympathetic fenestration and construction materials, all contribute to a poor design which is visually dominant.
6. I saw on my site visit that a similar dormer and extension has been constructed at 25 Holly Terrace. However, I do not know the precise details or planning circumstances of that development. Furthermore, the existence of the dormer and extension at 25 Holly Terrace has a harmful effect on the character and appearance of the area and does not therefore set a precedent that should be repeated. Many of the properties on Calton Street also have front dormer additions. However, those dormers are much smaller than the dormer constructed on No 42 and they also appear proportionate to their host property. Those dormers are not therefore comparable to the dormer that has been constructed in this appeal and I give these considerations little weight.
7. I conclude that the dormer and extension have a harmful effect on the character and appearance of the host property and surrounding area. The unauthorised development conflicts with the development plan, and in particular with Policy LP24 of the Kirklees Local Plan, 2019 (LP) which seeks to ensure, amongst other things, that extensions are subservient to the original building and are in keeping with the existing buildings in terms of scale, materials and details. I also find conflict with the design aims of the National Planning Policy Framework.

Living conditions

8. The ground floor rear extension abuts the narrow access lane which separates Rose Terrace from Hawthorn Terrace. The window and door in the extension face directly towards No 30 Hawthorn Terrace and overlook habitable windows in its rear elevation. Given the short distance between the facing windows in these terraced properties, the window and door in the rear elevation of the extension impinge on the privacy of the occupants of No 30.
9. The installation of obscure glass into the window of the extension would provide some mitigation and prevent direct overlooking of No 30. However, the extension also has its main entrance door fronting onto the lane and

directly facing No 30's rear windows. Consequently, given the proximity of the extension to the rear of No 30, the day to day utilisation of this entrance door also has a harmful impact on the privacy and living conditions of the occupants of No 30. I have taken into account the letters of support from the occupiers of this property and that of No 29 Hawthorn Terrace. However, new development must protect the occupiers of both existing and future occupiers, and those letters of support therefore only carry limited weight.

10. I conclude that the ground floor rear extension has a harmful effect on the living conditions of the occupiers of No 30 Hawthorn Terrace. It conflicts with the development plan, and in particular with Policy LP24 of the LP which seeks to ensure, amongst other things, that extensions minimise impact on residential amenity of future and neighbouring occupiers.

Other Matters

11. I have taken into consideration third party concerns relating to works that have been undertaken to a shared wall. However, those works are not a matter for my consideration in this appeal and are a private matter between the relevant landowners.

Conclusion

12. For the reasons given above I conclude that the appeal should not succeed. I shall uphold the enforcement notice and refuse to grant planning permission on the application deemed to have been made under section 177 (5) of the 1990 Act, as amended.

Elizabeth Pleasant

INSPECTOR