



Appeal Decision

Site visit made on 18 May 2021

by Paul Cooper MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 02 June 2021

Appeal Ref: APP/Z4718/D/21/3267574

2 The Coppice, Fixby, Huddersfield HD2 2JA

- 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 Whitworth against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2020/62/90807/W, dated 10 March 2020, was refused by notice dated 24 November 2020.
 - The development proposed is Erection of first floor extension and single storey rear extension, alterations to roof and erection of raised decking.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. I have used the description of development from the Council's Decision Notice as it is more concise. The appellant has used the same on the appeal form, so I am satisfied no injustice has been caused.

Main Issues

3. The main issues in this appeal are the effect of the development on the character and appearance of the area, and the effect of the development on the living conditions of the occupiers of the adjacent property (12B The Dell) in terms of overlooking.

Reasons

Character and appearance

4. The appeal property is a large detached bungalow, stone built, located in an area of residential development. There is a large parking area to the side of the dwelling. A conservatory is located to the rear of the dwelling. There are cross slopes across the site, both from side to side and front to rear.
5. The proposal is for creating a first floor to a section of the bungalow, which would allow for additional living space, alterations to the roof and removal of the conservatory to allow for a single storey rear extension, and then decking at the rear of the property to take advantage of the nature of the slope on the site.

6. The concerns of the Council predominately concern the first-floor extension element of the proposals, both in terms of its effect on the character and appearance of the area and 12B The Dell, the property located to the rear of the dwelling. The assessment by the Council raises no issues regarding the other parts of the proposal. I do not have any issue with that appraisal and will therefore focus on that main element.
7. The road on which the appeal proposal is sited slopes upward from the main highway. As a result of this, and the variations in detailing between dwellings, the roof ridges are not exactly at the same level. Nonetheless there is a broad consistency in nature of the single storey dwellings.
8. The proposals would make the existing dwelling appear dominant within the locality and appear out of place within the stretch of single storey dwellings. The design would appear at odds with the remaining single storey dwellings to the detriment of the character and appearance of the area.
9. I understand the reasoning of the appellant with regard to the variations in design of the dwellings on the Coppice, but the basic fact remains that all the properties are single-storey in nature, regardless of site levels and location within the rolling topography of The Coppice.
10. I find that the proposed first floor extension would create an incongruous feature that would stand out in a negative fashion when seen against the wider street scene and would cause harm to the character and appearance of the area.
11. As a result, I find conflict with Policy LP24 of the Kirklees Local Plan (2019) (the LP) which, amongst other matters, expects the form and scale of development to respects the character of the townscape.

Living conditions

12. I note that the adjacent property (12B The Dell) is at a slightly lower site level than the appeal property, but that it is located toward the south of that property and there is considerable landscaping between the two dwellings. In addition to this, the adjacent property is not directly behind the appeal dwelling, at an oblique angle with regard to key window positions.
13. As a result, I do not consider that the appeal proposals would overlook the adjacent dwelling to any significant degree, or that the design would lead to overlooking of the dwelling or private amenity space. It would not cause overlooking to a level that I could find significant harm to the living conditions of the residents of that property, despite the close relationship between the two properties in terms of siting near the respective boundaries.
14. With regard to this issue, I do not find conflict with Policy LP24 of the LP in respect of the amenity of neighbouring occupiers. Nonetheless, I have identified harm in respect of the other main issue in this appeal.

Conclusion

15. For the reasons given above I conclude that the appeal should be dismissed.

Paul Cooper

INSPECTOR