



Appeal Decision

Site Visit made on 12 October 2021

by R Hitchcock BSc(Hons) DipCD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 October 2021

Appeal Ref: APP/Z4718/D/21/3276359

1 Penn Drive, Hightown, Liversedge WF15 8DB

- 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 Reece Jagger against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/62/90302/E, dated 25 January 2021, was refused by notice dated 20 April 2021.
 - The development proposed is the erection of first floor extensions and other alterations to an existing bungalow.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Reece Jagger against Kirklees Metropolitan Council. This application is the subject of a separate Decision.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the existing building and its locality.

Reasons

4. The site consists of a detached bungalow with a linked flat-roofed garage to the side. The buildings are set behind an open fronted garden and driveway and benefit from private amenity space to the rear. The plot lies at the end of a row of mixed housing development along Penn Drive.
5. The proposal would result in an increase in the overall height of the building and an extension of the footprint to widen the main body of the house. The side element would encompass the area of the existing garage and extend forward of its current front elevation. According to the Council, the main ridge height would increase by about 1.2m. This, and a lower secondary perpendicular ridge to a new roof over the side extension, would provide additional accommodation at first floor level.
6. The increase in the overall height of the building would lie within the range of building heights along Penn Drive and the nearby neighbouring development close to the junction with Quaker Lane. These building types vary between grouped house types of true detached bungalows, chalet houses and semi-detached dormer houses.

7. In the context of varying house types, ridge heights and the rising local topography, the additional height would not appear out of place. However, the height increase of the main ridge would be in conjunction with a corresponding increase to the eaves levels on the main part of the building.
8. The high eaves positions would cause the elevations of the main body to appear disproportionately deep and unbalanced against the depth and scale of the roof scape. Their alignment closer to the first-floor sills than the ground floor headers would depart from the characteristic low eaves heights consistently featuring in all the house types in the locality. Regardless of their orientations and designs, the houses in the vicinity have eaves lines corresponding to (or just above) the level of the ground floor window headers.
9. Although relatively minor in scale, the introduction of contrasting proportioning and raised 'shoulders' of the frontage gable would notably jar with a consistent design feature of the local buildings. It would neither reflect the proportioning of the bungalows or the nearby chalets. The effect would be emphasised by the comparatively large areas of wrap-around brickwork about the limited contrasting infill panel on the front gable. This would cause it to stand out both in the context of the existing group of 4 similarly styled bungalows and the broader streetscene.
10. I acknowledge that some buildings nearby have been altered through the addition of extensions and some include pitched roofs where flat-roofs previously existed. However, the majority retain the original building design ratios with additive elements. These are distinct from the proposed remodelling of the appeal building and introduction of anomalous proportioning. They do not therefore represent an appropriate reason to find in favour of a proposal that would cause harm or lead me to alter my findings on this issue.
11. In support of the development, the appellant refers me to the provisions of Class AA of Part 1, Schedule 2 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) which permits the enlargement of a dwellinghouse including by the construction of additional storeys.
12. However, the provisions under Class AA are subject to a procedure for the prior approval of matters including design and amenity impacts. Although it is open to the appellant to seek the prior approval of the Council on those issues, there is little before me to suggest that has taken place. As a theoretical prospect only, it is not an established fallback position. It is therefore a matter of negligible weight in the context of the appeal.
13. For the above reasons, I find the proposal would appear incongruous as a consequence of the revised proportioning of the building. It would conflict with Policy LP24 of the Kirklees Local Plan Strategy and Policies [2019] as it seeks good design and that the form, scale and detail of development are in keeping with the existing building and respect and enhance the character of the townscape.

Other Matters

14. I have noted the objections from local residents and third parties to the proposal. However, in the light of my findings on the main issues of the appeal, my decision does not turn on those matters.

15. As policy requirements, the absence of identified impacts on neighbouring occupiers' living conditions is not a benefit in favour of the development.

Conclusion

16. The proposal would harm the character and appearance of the area and would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

R Hitchcock

INSPECTOR