



Appeal Decision

Site Visit made on 16 November 2021

by Jillian Rann BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 06 DECEMBER 2021

Appeal Ref: APP/Z4718/D/21/3282006

233 Scar Lane, Golcar, Huddersfield, West Yorkshire HD7 4AU

- 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 Stuart Berry against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/62/91412/W, dated 6 April 2021, was refused by notice dated 8 June 2021.
 - The development proposed is two storey side extension and demolition of existing detached garage.
-

Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Council's second reason for refusal refers to the effect of the proposed development on the residential amenity of the occupiers of 321 Scar Lane. However, it is evident from the Council's submissions that its concerns in that regard relate to the effects of the proposal on the occupants of 231 Scar Lane, which directly neighbours the site. I have considered the appeal accordingly.
3. The description of development above, which is taken from the application form, refers to a detached garage. The appellant advised in advance of my site visit that the garage had been taken down for safety reasons, and it was not present at the time of my visit. I have considered the appeal accordingly, on the basis of the situation as I observed it at the time of my visit.
4. During my visit I noted that another structure had been built in the rear garden of the appeal site. However, I am not aware of the planning status of that structure.
5. A revised National Planning Policy Framework (the Framework) was published on 20 July 2021. I have considered the appeal on the basis of the revised Framework.

Main Issues

6. The main issues are the effects of the proposed development on:
 - the character and appearance of the appeal site and its surroundings;
 - the living conditions of the occupants of 231 Scar Lane with regard to outlook, light and privacy.

Reasons

Character and appearance

7. The appeal relates to one of a group of semi-detached houses on the southern side of Scar Lane which are similar to each other in their appearance, with single storey front bay windows and hipped roofs, and their layout, with drives separating each pair of houses. Some have previously been extended to the side.
8. Permission has previously been granted for extensions to the appeal property, most recently for a two storey side extension¹. The current appeal relates to an amended proposal, for a two storey side extension with additional single storey projections to the front and rear compared with that previously approved scheme. The extension now proposed would also have solid walls to all of its ground floor elevations, compared with the previously approved scheme, which had a car port on the ground floor with open sections of wall to the front, side and rear. The two storey side extension now proposed also includes an area of raised decking beyond its rear elevation, which was not part of the previous permission.
9. The additional single storey rear projection would fill a corner between the two storey part of the proposed side extension and the property's existing rear extension. Given its limited footprint and single storey height, the additional rear projection would not be so large as to subsume or overwhelm the host building, even when taken together with the previously permitted extensions and the rear decking now proposed. Public views of it would also be limited. On that basis, I am satisfied that the additional rear projection and decking would not appear out of scale with the host property or harm the character or appearance of that existing building or its surroundings.
10. However, although the first floor of the proposed two storey side extension would be set back from the front of the host property and lower than the roof ridge of the existing dwelling, its ground floor would project further forward than the main part of the host property's front elevation. As a result, the side extension would not appear subservient to the host dwelling. Rather, it would have an undue prominence and would visually compete with the host property and the existing front bay window.
11. Furthermore, the front projection's mono-pitched roof would introduce a new, incongruous roof form which would not sit comfortably with the hipped roof form of the host building or the simple flat roof of the original front bay window. It would appear clumsy and discordant in that context, and would detract from the appearance of the host property and the wider street scene.
12. Given the above, I conclude that the proposed development would have an adverse effect on the character and appearance of the appeal site and its surroundings. It would therefore conflict with Policy LP24 a. and c. of the Kirklees Local Plan Strategy and Policies (the Local Plan), which state that proposals should ensure development respects the character of the townscape and that extensions are subservient and in keeping with existing buildings in terms of scale and details. It would also conflict with the Framework, which requires that developments are sympathetic to local character.

¹ Application reference: 2020/62/91818/W

Living conditions – outlook and light

13. The additional single storey projections to the front and rear of the two storey side extension, and the construction of solid walls to its ground floor elevations, would result in a greater expanse of solid wall alongside the boundary with 231 Scar Lane (No 231) compared with the previously-permitted extension.
14. However, most of that additional depth, and most of the solid wall at the side of the extension's ground floor, would be alongside the drive and garage at the side of the house at No 231. As such, it would not harm the outlook from the main habitable room windows or private garden areas of No 231.
15. Most of the additional single storey projection to the rear of the two storey side extension would be adjacent to the rear part of No 231's detached garage. It would fill the corner between the previously permitted side and rear extensions, and would be seen against the backdrop of the existing house and those extensions when viewed from the neighbouring house and garden at No 231. Any effect it would have on the outlook from No 231, over and above that associated with those existing and permitted structures at the appeal property, would therefore be very limited and insufficient to justify withholding permission on those grounds.
16. Given the location of the house and garden at No 231 relative to the appeal site, and the shading of that neighbouring property which is already likely to result from the appeal property and its existing and permitted extensions, the additional single storey projections and solid walls now proposed to the ground floor would not result in a significant increase in overshadowing of No 231 or its garden.
17. From the Council's report, it is clear that it also had concerns about the effects that the decking which is now proposed to the rear of the side extension would have on the privacy of the occupants of No 231, and that anything which might be installed to address those privacy concerns would harm the outlook of No 231. I have therefore also considered this matter.
18. The decking proposed to the rear of the side extension would extend alongside, and very close to the boundary with, the rear garden of No 231. Because of the difference in levels between the site and No 231, the decking would also be elevated above the private rear garden area of that neighbouring dwelling. It would therefore afford very prominent views from the site into the rear garden of No 231.
19. The decking would be likely to be well-used by the occupants of the appeal property for sitting out or entertaining, and at times when the occupants of No 231 would also be likely to be making use of their garden. Consequently, and as a result of its proximity to the rear garden of No 231 and its height relative to that neighbouring garden, I conclude that the decking would result in unacceptable harm to the privacy of the occupants of No 231 and to their enjoyment of their private outdoor space.
20. The Council has indicated that a 1.8m high fence could be provided to the side of the decking to protect the privacy of the occupants of No 231. However, no such structure is shown on the submitted drawings. In the absence of any such detail, and having regard to the decking's projection alongside part of No 231's rear garden and its elevated position in relation to that neighbouring property,

I cannot be certain that a satisfactory screen could be installed without having an oppressive or unduly dominant effect on the outlook from No 231's rear garden. Therefore, from the evidence, I cannot be certain that a satisfactory solution could be achieved which would protect the privacy of No 231's rear garden without appearing oppressive or unduly dominant, and thus causing harm to the outlook from that neighbouring outdoor space.

21. Drawing those threads together, I conclude that the proposed development would not harm the living conditions of the occupants of 231 Scar Lane with regard to outlook or light. However, I conclude that the proposed development would have an unacceptable adverse effect on the living conditions of the occupants of 231 Scar Lane with regard to privacy. I am not satisfied, from the evidence before me, that the harm to privacy that I have identified could be satisfactorily overcome without causing other harm, specifically to the outlook from that neighbouring property.
22. Therefore, the proposed development would conflict with Policy LP24 b. of the Local Plan, which requires proposals to provide a high standard of amenity for neighbouring occupiers. It would also conflict with the Framework, which requires developments to create places with a high standard of amenity for existing and future users.

Conclusion

23. The proposed development would conflict with the development plan taken as a whole. There are no other material considerations which indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be dismissed.

Jillian Rann
INSPECTOR