



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: 12 JANUARY 2022

Appeal Ref: APP/Z4718/W/21/3284371

34 Victoria Street, Lindley, Huddersfield HD3 3ED

- 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 Rachel Bingham against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/62/90865/W, dated 1 March 2021, was refused by notice dated 6 August 2021.
 - The development proposed is raise roof to form 1.5 storey dwelling, side extension and porch additions.
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Decision

1. The appeal is allowed and planning permission is granted for raise roof to form 1.5 storey dwelling, side extension and porch additions at 34 Victoria Street, Lindley, Huddersfield, HD3 3ED in accordance with the terms of the application, Ref 2021/62/90865/W, dated 1 March 2021, subject to the conditions in the attached schedule.

Preliminary Matters

2. The Council's decision was based on revised drawings submitted during the application, which included changes to the proposed materials and the height of the proposed extensions. I have considered the appeal on the basis of the revised drawings. As interested parties have been notified of the revised drawings, and given the opportunity to comment on them, as part of the appeal process, I am satisfied that no party has been prejudiced by my doing so.
3. Both the superseded and revised versions of the Proposed Ground Floor plan drawing have the same reference and revision number: 2020_062_05_D_. It is clear from both parties' submissions that the Council's decision was based on the version which shows an internal doorway link between the proposed side extension (games room) and the existing house at ground floor level. Accordingly, I have also based my decision on that version.
4. The revised Proposed Elevations drawing included a first floor window in the side elevation of the en-suite to Bedroom 6, which was not shown on the revised Proposed First Floor Plan. The appellant has confirmed that the en-suite window is proposed as per the elevation drawing, and has submitted an amended Proposed First Floor Plan drawing, showing an en-suite window in that position, during the appeal. The change is minor and clarifies a discrepancy on the submitted drawings, and the Council and interested parties have had the opportunity to comment on the amended drawing during the appeal process. Therefore, I have based my decision on the amended drawing

showing the first floor en-suite window, and I am satisfied that no party has been prejudiced by my doing so.

5. For the avoidance of doubt, my decision is based on the drawings listed in condition 2 in the attached schedule of conditions.

Main Issue

6. The main issue is the effect of the proposed development on the character and appearance of the appeal site and its surroundings.

Reasons

7. The appeal relates to a detached bungalow on Victoria Street, a residential street. The northern side of Victoria Street is characterised by two storey, stone-built, Victorian terraced and semi-detached housing which has a degree of consistency in its materials and detailing.
8. However, the appeal property is on the southern side of Victoria Street which, in contrast, is comprised of 20th century detached houses and bungalows with significantly greater variety in their heights, materials and architectural detailing. The appeal bungalow's roof is quite low and shallow. That of the neighbouring bungalow, 36 Victoria Street (No 36), is similar but taller in places. However, beyond No 36, further to the east, towards the junction with Occupation Road, are a number of two storey houses with pitched roofs of varying heights and gradients. The appeal property is seen in the context of that wider, very varied street scene.
9. The site adjoins the grounds of a grade II listed building, Acre House. Permission has recently been granted for the construction of several new dwellings within the grounds of Acre House, including two detached two storey houses which would face onto the southern side of Victoria Street alongside the appeal site¹. Although they would be similar in appearance to one another, those new dwellings would further add to the variety which characterises the housing on the southern side of Victoria Street.
10. The proposed works would include increasing the eaves and ridge heights of the existing bungalow to create first floor accommodation within its roof. Although not strictly subservient to the existing building, the higher eaves and ridge and the steeper roof pitch proposed would not appear out of scale, or unduly dominant or incongruous in the context of other, taller, two storey houses and varied existing roof forms on Victoria Street. Nor would the proposed roof appear disproportionately large in relation to the taller ground floor of the building, or cause the resultant building to appear top-heavy.
11. The proposed rear gables and front and rear dormers would be well spaced and set down from the ridge of the extended building. Subject to a condition requiring the dormers to be clad in materials to match the main roof, the dormers and gables would not appear unduly dominant or discordant in relation to the existing building, or within the varied context of the wider street scene and surroundings.

¹ Application reference: 2019/62/91933/W

12. As the roof of the proposed side extension would be slightly lower than that of the main building, it would remain subservient to it in appearance and would break up the massing of the extended building.
13. The timber cladding and light coloured render proposed would be similar in appearance to the white-painted brickwork and timber cladding used on the existing building and would not appear discordant in the site's wider context, where there is already some variety in the use of materials.
14. Guidance in the Council's House Extensions and Alterations Supplementary Planning Document (the SPD) advises that careful consideration should be given to first floor extensions to bungalows and that increasing the height of a property by amending the roof pitch or eaves height is usually unacceptable where roof pitches and heights in the street scene are consistent. However, for the reasons given, in this case the extensions would not appear unduly dominant or discordant in relation to the existing building or within the varied context of the site's surroundings, including the new housing which has been permitted on the neighbouring site.
15. The proposed extensions would be seen in the context of the existing building on the site and the varied context of its immediate surroundings. Therefore, and given the separation distance between the site and the grade II listed building, Acre House, the proposed development would not harm the setting of that nearby listed building.
16. Given the above, I conclude that the proposed development would not cause harm to the character or appearance of the appeal site or its surroundings. Therefore, it would not conflict with Policy LP24 a. and c. of the Kirklees Local Plan Strategy and Policies, which require that the form, scale and details of development respect the character of the townscape and that extensions are in keeping with existing buildings in terms of scale, materials and details. Nor would it conflict with the guidance in the SPD, as set out above, or with the National Planning Policy Framework, which requires developments to be sympathetic to local character, including the surrounding built environment.

Other Matters

17. Concerns have been raised regarding the effects of the proposed extensions on the living conditions of neighbours on the opposite side of Victoria Street with regard to privacy and light. The existing bungalow on the appeal site is at a slightly lower level than the houses on Victoria Street opposite it, and has existing ground floor front windows facing them. Taking that into account, together with the separation distance which would remain between the extensions and first floor windows proposed and those houses opposite, I am satisfied that the proposed development would not result in a significant increase in overlooking or overshadowing of the neighbouring houses opposite the site, compared with the existing bungalow. Nor would it appear unduly dominant or have an overbearing effect on those houses opposite.
18. Given the separation distances which would remain between the extended building and other nearby dwellings, I am satisfied that the proposed development would not have an adverse effect on the living conditions of the occupants of other neighbouring properties with regard to privacy, light or outlook, compared with the existing development on the site.

19. The Council states that the site is in a 'bat alert' area, but that it does not consider a bat survey to be necessary, on the basis that the appeal building appears well sealed and maintained, with little opportunity for bats. I have not been presented with any substantive evidence to the contrary, or to indicate that there is a reasonable likelihood of bats being present and affected by the proposed development. Therefore, I do not consider a survey or any conditions in that regard to be necessary. However, for the avoidance of doubt, this does not absolve the appellant from complying with the relevant legislation regarding protected species.

Conditions

20. I have attached a condition specifying the approved plans, for certainty.
21. A condition relating to the provision of tree protection measures is necessary to ensure that existing trees are protected during works, and thus preserve their contribution to the appearance of the area. As the required measures would need to be implemented in advance of other operations, it is necessary for this to be a pre-commencement condition.
22. I have attached a condition relating to the provision of vehicle parking areas, to ensure that sufficient parking is retained within the site for the extended dwelling, in the interests of highway safety. I have also attached a condition relating to materials, in the interests of protecting character and appearance.
23. The Planning Practice Guidance advises that conditions restricting the future use of permitted development (PD) rights may not pass the tests of reasonableness or necessity, and that the blanket removal of freedoms to carry out small scale domestic alterations that would not otherwise require planning permission is unlikely to meet those tests². Although some boundary trees are protected by a Tree Preservation Order, the site is an existing residential dwelling and I have no reason to believe that it has had its PD rights removed. Such development could thus take place on the site at present. The proposed extensions would be well spaced from the site boundaries and from other surrounding houses. Consequently, and given the site's existing use, it would not be necessary or reasonable to remove PD rights to protect those trees, the appearance of the site, or the living conditions of neighbours in this case.

Conclusion

24. For the reasons given, the proposal would accord with the development plan taken as a whole. Material considerations do not indicate that the decision should be made other than in accordance with the development plan. Therefore, I conclude that the appeal should be allowed.

Jillian Rann
INSPECTOR

² Paragraph reference ID: 21a-017-20190723

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Plan drawing number: 2020_062_01_-_
 - Existing drawing number: 2020_062_02_-_
 - Elevations drawing number: 2020_062_03_-_
 - Proposed Site Plan drawing number: 2020_062_04_D_
 - Proposed Ground Floor drawing number: 2020_062_05_D_ (showing an internal connecting doorway between the proposed games room and the existing building at ground floor level)
 - Proposed First Floor drawing number: 2020_062_06_F_
 - Proposed Elevations drawing number: 2020_062_07_G_
 - Location Plan drawing number: 2020_062_10_-_
 - Tree Protection Plan drawing number: 2020_062_11_-_
 - Site Section drawing number: 2020_062_12_-_
- 3) No site clearance, preparatory work or development shall take place until tree protection measures have been installed in accordance with the details on the Tree Protection Plan drawing number 2020_062_11_-. Those measures shall remain in place for the full duration of the construction phase of the development.
- 4) The extensions hereby permitted shall not be occupied or brought into use until off-street car parking has been provided within the site in accordance with a scheme which has first been submitted to, and approved in writing by, the local planning authority. The off-street car parking provision thereby approved shall thereafter be retained for the lifetime of the development.
- 5) The development shall be carried out in accordance with the Proposed Materials details on Proposed Elevations drawing number 2020_062_07_G_. The cheeks and the non-glazed sections of the fronts of the dormers shall be fitted or hung with materials which match those used on the roofs of the extensions hereby permitted in all respects.