



Appeal Decision

Site visit made on 3 March 2022

by Stephen Normington BSc DipTP MRICS MRTPI FIQ FIHE

an Inspector appointed by the Secretary of State

Decision date: 15TH march 2022

Appeal Ref: APP/Z4718/D/22/3290702
68 Wellhouse Lane, Mirfield WF14 0BE

- 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 Shaw against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref 2021/62/93735/E, dated 22 September 2021, was refused by notice dated 22 December 2021.
 - The development proposed is described as a second storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a first floor side extension at 68 Wellhouse Lane, Mirfield WF14 0BE in accordance with the terms of application Ref 2021/62/93735/E, dated 22 September 2021, subject to the following 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: 2117/100 – Existing Site Location and Layout; 2117/101 – Existing Layouts and Roof Plan (Existing Floor Plans and Existing Elevations); 2117/110 – Proposed Site Location and Layout; 2117/111 – Proposed Layouts and Roof Plan (Proposed Floor Plans); 2117/112 – Proposed Layouts and Roof Plan (Proposed Elevations).
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Procedural Matter

2. The Council changed the description of the proposed development from that contained on the application form to 'erection of first floor side extension'. This is a more accurate description of the proposed development which I have therefore used in the determination of this appeal.

Main Issue

3. The main issue is the effect of the proposed development on the character and appearance of the host property and the surrounding area.

Reasons

4. The appeal property comprises a two storey, hipped roof, semi-detached dwelling having an attached ground floor side extension positioned close to the property boundary with No 70 Wellhouse Lane. Although the immediate surrounding area is characterised by residential properties of various designs, age and size, Nos 66 – 72 Wellhouse Lane comprise four semi-detached properties of similar design. The dwellings either side of the appeal property (Nos 66 and 70) have had two storey side extensions that are positioned close to the property boundary and have a roof line and front elevation that is commensurate with those of their respective original host dwellings.
5. The existing first floor side extension is set slightly back from the original front elevation of the appeal property. The rear elevation of the side extension is commensurate with that of the original dwelling. The proposed development would involve the erection of a first-floor extension that would essentially be positioned on top of the existing ground floor side extension. This would have a hipped roof with the ridge line set slightly down from that of the host dwelling. Materials and fenestration would broadly match those of the host dwelling.
6. Although the Council have raised no issues regarding the principle of the proposed development, its concerns relate to the position of the proposed extension in being sited close to the property boundary. In addition, the Council considers that the proposed extension would not appear as a subservient addition to the host property.
7. The Council has referred to a recently adopted Supplementary Planning Document (SPD) "House Extensions and Alterations SPD" (June 2021). This sets out detailed guidance to achieve a well-designed house extension. Key Principle 1 of the SPD requires that extensions to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Key Principle 2 sets out that extensions should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail.
8. In addition, the SPD, amongst other things, requires that two-storey side extensions should not take up all or most of the space to the side of a house and maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property. It also requires the front elevation to be set back at least 500mm from the front wall of the original dwelling.
9. In being erected above the existing ground floor extension, the proposed development would not encroach any closer to the property boundary with No 70 and a small gap would be retained between the properties. In having a hipped roof, this gap would be particularly noticeable at roof level. In being set slightly back from the front elevation, set slightly down from the ridge and occupying approximately half of the width of the original dwelling, I consider that the proposed extension would appear as a subservient addition to the property.
10. I recognise that the proposal would not entirely meet the requirements of the SPD. However, given the scale, position and appearance of the extensions to the adjoining properties, I consider that the proposed development would be in keeping with the appearance of the immediate building group. Moreover, given

the appearance of the adjacent dwellings, I consider that an extension that was designed to entirely meet the requirements of the SPD, by being set further back from the front elevation and further away from the property boundary, would appear at odds with the immediate building group.

11. I appreciate that one of the objectives of the SPD is to avoid a terracing effect. However, the proposal would be positioned no closer to the property boundary with No 70 than already exists as a consequence of the existing ground floor extension. Whilst there would obviously be an increased mass of built development as a consequence of the proposed first floor element, I do not consider that the proposal would materially increase the terracing effect beyond that which already exists at ground floor level. In considering the local context, in my view, the proposal represents an appropriate form of development that recognises the requirements of the SPD but is also respectful of the character and appearance of the immediate building group.
12. For the above reasons, I conclude that the proposal would not have a significant detrimental effect on the character and appearance of the host property or the surrounding area. As a result, there would be no conflict with Policy LP24 of the Kirklees Local Plan – Strategy and Policies (2019). This policy, amongst other things, requires development to respect the character of the townscape and that extensions are subservient to the original building and are in keeping with the existing buildings in terms of scale, materials and details. In addition, there would be no material conflict with Key Design Principles 1 and 2 of the SPD.

Other matters

13. I have taken into account the fact that the adjacent extensions may have been granted planning permission prior to the adoption of the SPD. Nonetheless, these are built and are there. They now form part of the character and appearance of the immediate building group. As such, they provide the visual context for the consideration of the appeal scheme as outlined above. Consequently, the fact that any planning permission granted may have pre-dated the adoption of the SPD has no material bearing on the issues for consideration in this case.

Conditions

14. In addition to the standard time limit condition, I consider it necessary to impose a condition requiring that the development is carried out in accordance with the approved plans. This is in the interests of certainty. In order to protect the character and appearance of the area, I have imposed a condition concerning the external materials to be used.

Conclusion

15. For the above reasons, taking into account the development plan as a whole based on the evidence before me and all other matters raised, I conclude that the appeal should be allowed.

Stephen Normington

INSPECTOR