
Appeal Decision

Site visit made on 26 April 2022

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 May 2022

Appeal Ref: APP/Z4718/D/22/3294603

33 Foster Avenue, Crosland Moor, Huddersfield HD4 5LN

- 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 Basharet Ali against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/62/94494/W, dated 30 November 2021, was refused by notice dated 22 February 2022.
 - The development proposed is the erection of two storey side and single and two storey rear extensions.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on (i) the character and appearance of the host dwelling and the surrounding area and (ii) the living conditions of the occupiers of 27 Foster Avenue, with particular reference to outlook and light.

Reasons

Character and appearance

3. The appeal dwelling forms one half of a pair of semi-detached dwellings located towards the end of Foster Avenue. It sits immediately adjacent to a bungalow which is built on a lower ground level. As a result, the proposed two storey side extension would have a great degree of visual prominence in views taken from the public highway. There are similar semi-detached dwellings located on the opposite side of the road, none of which have been extended at two storey height to their side elevations. This creates a coherence in terms of the appearance of the dwellings on this part of Foster Avenue and their relationships to the street scene.
4. Policy LP24 of the Kirklees Local Plan Strategy and Policies 2019 (LPSP) sets out that extensions should be subservient to the original building. The House Extensions and Alterations Supplementary Planning Document 2021 (SPD) most relevantly provides guidance on the width of proposals and it states that extensions should incorporate a set back of at least 500mm from the front of the original house to provide a vertical break from the roof plane and for the lowering of the ridgeline. This aligns with key design principle 2 of the SPD, which states that extensions should not dominate the original house.

5. The failure to incorporate a set back from the existing front elevation coupled with the width of the proposed two storey side extension would mean that it would be a visually dominant addition to the original dwelling and one that would fail to appear as subservient to it. Due to its visual prominence within the street scene as outlined above, this dominance would result in significant harm not only to the character and appearance of the host dwelling itself, but to that of the surrounding area.
6. The proposed two storey rear extension would represent a substantial addition to the back of the dwelling and would also not accord with the guidance set out in the SPD. However, it would sit above a proposed large single storey rear extension which it is advised already benefits from prior approval. It would also be in a location that is visually much less sensitive. In these circumstances it would not represent a harmful addition to its host dwelling or the surrounding area. However, whilst I do not find harm in this respect, this does not overcome the harm from the proposed two storey side extension.
7. For these reasons, I conclude that the proposed two storey side extension would cause significant harm to the character and appearance of the host dwelling and the surrounding area. Consequently, it would fail to accord with Policy LP24 of the LPSP where it seeks to protect character and appearance. There would also be a conflict with the SPD and the National Planning Policy Framework (the Framework) in the same respect.

Living conditions

8. No 27 has two windows in its side elevation which face towards the common boundary. The window nearest to its front elevation appears to be a secondary window, with a larger window also located on the front elevation. Therefore, whilst there would be an impact upon this side elevation window, this would not cause harm to the living conditions of the occupiers of No 27 as the other window would retain both light and an outlook.
9. Due to the positioning of No 27, the window which is further back in its side elevation would be angled away in its relationship to the proposed two storey side extension. This would mean that its outlook and the amount of light reaching it would not be substantially affected by the proposed development. Accordingly, there would be no harm to living conditions in respect of that window either.
10. For these reasons, I conclude that the proposed development would accord with Policy LP24 of the LPSP where it seeks to safeguard living conditions. There would also be no conflict with the aims of the SPD or the Framework in the same respect.

Conclusion

11. Whilst I have not found harm to living conditions, I have found significant harm to character and appearance and a subsequent conflict with the development plan. For this reason, I conclude that the appeal should be dismissed.

Graham Wraight

INSPECTOR