



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: 17TH May 2022

Appeal Ref: APP/A4710/D/22/3294373

27 Stonelea, Barkisland HX4 0HD

- 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 Chris Jones against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 2021/00685/HSE, dated 14 June 2021, was refused by notice dated 15 December 2021.
 - The development proposed is a two storey side and rear extension and single storey rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a two storey side and rear extension and single storey rear extension at 27 Stonelea, Barkisland HX4 0HD in accordance with the terms of the application, Ref 2021/00685/HSE, dated 14 June 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: Site Location Plan, 2021/308/02, 2021/308/03, 2021/308/04, 2021/308/06 and 2021/308/07.

Main Issue

2. The main issue is the effect of the proposed two storey side and rear extension on the living conditions of the occupiers of 25 Stonelea, with particular reference to outlook and massing.

Reasons

3. The layout of this section of Stonelea means that the windows on the front elevation of No 25 would face directly towards the side elevation of the two storey element of the proposed extensions. Reference is made by the Council to Annex A of Policy BE2 of the Replacement Calderdale Unitary Development Plan 2009 (UDP) and to the separation distances set out therein. However, the wording of this annex is clear that these distances do not represent hard and fast rules but instead provide an indication of standards which will be applied with a measure of flexibility in appropriate circumstances.
4. In this instance, the ground floor window of No 25 already faces towards the existing boundary fence, beyond which is the gable end of the appeal dwelling. Likewise, the first floor windows also face towards the existing side gable. Furthermore, No 25 is sited at a higher ground level than the appeal property,

and this would serve to have some benefit in lessening the impact on the upper floor windows, with regard to both the outlook from them and from the massing of the proposal. Taking these circumstances together and accounting for the separation distance that would actually be provided, this distance would be adequate to prevent harm to the living conditions of the occupiers of No 25 with respect to outlook and massing.

5. I acknowledge that the separation distance usually required by Annex A would not be met. However, I have outlined mitigating factors which mean that harm would not result. Consequently, the proposal would accord with the overall aims of Policy BE2 of the UDP where it seeks to protect living conditions.

Conditions

6. Conditions are required with respect to the period to commence development and the approved plans, in the interests of providing certainty. The external facing materials to be used on the proposal are shown on the plans, and these would be visually acceptable. A separate condition is therefore not required with respect to materials.

Conclusion

7. For the reasons given above, I conclude that the appeal should be allowed.

Graham Wraight

INSPECTOR