



Appeal Decision

Site visit made on 15 March 2022

by Martin H Seddon BSc MPhil DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 8TH June 2022

Appeal Ref: APP/Z4718/D/22/3291677

168 Lockwood Scar, Newsome, Huddersfield, West Yorkshire HD45 6EA

- 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 and Mrs John Mathers against the decision of Kirklees Council.
 - The application Ref: 2021/62/92507/W, dated 20 June 2021, was refused by notice dated 11 November 2021.
 - The development proposed is demolition of existing conservatory and erection of new dining/sunroom.
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Decision

1. The appeal is allowed, and planning permission is granted for demolition of existing conservatory and erection of new dining/sunroom at 168 Lockwood Scar, Newsome, Huddersfield, West Yorkshire HD45 6EA, in accordance with the terms of the application ref: 2021/62/92507/W, dated 20 June 2021 and subject to the conditions in the schedule at the end of this document.

Main Issues

2. The main issues in this appeal are:
 - the effect of the development on the character and appearance of the building and the street scene, and
 - the effect on the living conditions of the occupiers of No.170 Lockwood Scar in respect of privacy.

Reasons

3. No.168 Lockwood Scar is a modern detached two-storey dwelling located in a predominantly residential area. The development had been substantially completed at the time of my site visit. A previous application for a Certificate of Lawfulness of Development (ref: 2019/93719) for a similar proposal was approved by the Council on 16 January 2020. The appeal before me is in respect of an application requested by the Council and refused permission after it had approved the certificate. The validity of the certificate is not a matter for my determination in this appeal.

Character and appearance

4. The dining/sunroom extension (the extension) is a contemporary flat-roofed structure which has external cladding in a composite weathered Birch material,

and large windows to the side and rear which have a vertical emphasis. The Council's House Extensions and Alterations supplementary planning document advises that consideration should be given to preserving a back garden of a reasonable size, with a general principle that at least half the garden area is retained. Bearing in mind that a smaller conservatory already existed at the site, I consider that a reasonable amount of garden has been retained.

5. The extension appears prominent when viewed from the rear garden of No.170, in view of its proximity, scale and the lack of any screen planting. The extension has a flat roof, unlike the sloping roofs on the main building. However, it is not uncharacteristic as it replaced a flat roofed structure and there is an existing dormer window with a flat roof at the rear elevation.
6. The main building is constructed in brick with areas of cladding on the front, side and rear elevations. In view of these sections of existing cladding the external materials used in the extension are of a similar style. The appellants have advised that the cladding was chosen to reflect the woodland setting of the extension. However, the colour of the external cladding does not match the colour of the cladding on the existing building. I agree with the Council that this may be resolved through the imposition of a condition to allow the Council to control the colour of the cladding.
7. I note that the Council considered that due to the extension being at the rear of the property it had "little impact on the amenity of the street scene" and was considered "subservient to the host dwelling". I see no reason to disagree. There is woodland on steeply sloping land to the rear of No.168 which blocks views of the extension and rear elevation of the house. The extension may only be glimpsed from Occupation Road at a lower level through the gap between Nos.168 and 170 Lockwood Scar. An outbuilding in the grounds of No.170 also prevents more direct views from Occupation Road.
8. Key design principle 2 of the House Extensions and Alterations supplementary planning document advises that extensions should be in keeping with the existing building in terms of scale, materials and detail. Nevertheless, paragraph 4.6 advises that where extensions seek to differ from the existing materials, design, roof pitch or detailing, proposals will be considered on a case-by-case basis. It adds that the Council will support innovative and modern design approaches which are of high quality and appropriate to the local context. The extension has a contemporary modern appearance, and I consider that this is acceptable in the context of its rear garden location.
9. Buildings in the surrounding area vary in terms of age, external materials and design. I find that, subject to a condition regarding the colour of the cladding, the extension would have no significant harmful effect on the character and appearance of the host building or the surrounding area. Therefore, it would not conflict with Kirklees Local Plan policy LP2 regarding place shaping and policy LP24 (a and b) which seek to ensure good design.

Living conditions

10. The windows in the side elevation of the extension allow overlooking of the garden of No.170 Lockwood Scar and angled views up towards some windows in the rear elevation of that house. The outbuilding in the garden of No.170 provides some screening of the house when viewed from the extension.

11. The previous conservatory at No.168 had windows in its side elevation which would also have allowed overlooking of the rear garden of No.170. The windows were smaller than those in the current extension. I am satisfied that any increase in overlooking may be mitigated by the installation of a suitable form of obscure glazing in the extension windows which face the garden of No.170. This may be secured through the imposition of an appropriate condition in order to protect the privacy of the neighbouring occupiers. Subject to such a condition the proposal would not conflict with Local Plan policy LP24 (b) which concerns residential amenity. It would also not conflict with Key Design Principles 3 and 4 of the House Extensions and Alterations supplementary planning document which seek to achieve reasonable levels of privacy for neighbours.

Other Matters

12. In response to claims that the house has been extended multiple times, the Council has advised that records show that it was extended in 1975. Although the extension may be attached to a later addition to the house, I find that it is still acceptable for the reasons given above. Whether the extension encroaches on to neighbouring land, including the location of the drainage down pipe, are matters for resolution by the land owners/tenants and not for determination as part of this appeal. Any removal of boundary vegetation which had taken place was not a matter subject to planning control at that time. Issues regarding safety of the structure and energy conservation measures would be a matter for the Council's Building Control section.

Conditions

13. The appellants have submitted drawings indicating the extension as constructed. I have imposed a condition to confirm these drawings as the approved plans. I have included a condition so that the Council can ensure that obscure glazing of an appropriate specification is used and retained in order to protect the amenity of neighbours. I have also added a condition to ensure that the external cladding for the building is of a colour which complements the appearance of the host building, is carried out within a timescale and thereafter retained.

Conclusion

14. I have taken all other matters raised into account, including chapter 12 of the National Planning Policy Framework which concerns achieving well designed places. For the reasons given above, I conclude that the appeal should be allowed subject to conditions.

Martin H Seddon

INSPECTOR

Schedule of Conditions

1. Development shall be carried out in accordance with the following approved plans: 2204/01 location plan dated November 2019, 19009/04, plans as constructed dated June 2021 and 19009/05 elevations as constructed dated June 2021.

2. Within one month of the date of this decision details of a specification for obscure glazing to be fitted in the windows in the south-west elevation of the building shall be submitted to the local planning authority for approval in writing. Within two months of the date of approval the obscure glazing shall be installed in accordance with the approved details and thereafter retained.
3. Within one month of the date of this decision details of the proposed colour treatment of the external cladding of the building shall be submitted to the local planning authority for approval in writing. Within 2 months of the date of approval the colour treatment shall be carried out in accordance with the approved details and thereafter retained.