



Appeal Decision

Site visit made on 21 June 2022

by Ryan Cowley MPlan (Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5 July 2022

Appeal Ref: APP/Z4718/D/21/3281127

16 Standiforth Road, Huddersfield HD5 9HD

- 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 Stephen Robinson against the decision of Kirklees Council.
 - The application Ref 2021/62/91285/W, dated 26 March 2021, was refused by notice dated 28 May 2021.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 16 Standiforth Road, Huddersfield HD5 9HD in accordance with the terms of the application, Ref 2021/62/91285/W, dated 26 March 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: SR01.# (Location Plan, 1:1250), SR04.# (Proposed Site Plan, 1:500), SR05.# (Proposed Plan and Elevations, 1:100).
 - 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.

Preliminary Matters

2. Since issuing a decision on the proposals, the Council has adopted the 'House Extensions and Alterations SPD June 2021' Supplementary Planning Document (the SPD). Their evidence already referred to it and the appellant has thus commented on it, albeit it was in draft form. The substance of the adopted version has not however materially changed in regard to the main issue of the appeal. I have proceeded with reference to the adopted SPD.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 14 Standiforth Road and of the appeal property, with particular regard to light and outlook.

Reasons

4. There is a narrow window in the rear elevation of No. 14 overlooking a small, enclosed, paved area, which is partially separated from the main part of its

garden by a high fence. The window abuts the high side wall of the existing rear extension of No. 14 and so the outlook from this window is dominated by this, and to a lesser extent the appeal property's rear extension and the high fencing. The outlook from this window is therefore somewhat limited, however views to the south and south-east across the long private rear gardens of both properties can still be achieved between the buildings and above the fence line, and the window still receives a reasonable amount of light.

5. This is the only window serving the utility room in No. 14. The SPD states however that limited weight will be given to protecting light and outlook from "non-habitable" rooms. A utility room does not feature within the list of room types within the SPD, however it is noted a kitchen (without dining facilities) is listed as a "non-habitable" room. Given the typically similar nature of a utility room, it is reasonable to consider this as a "non-habitable" room and, in any event, the room in question is a small galley shaped space with limited function and restricted outlook, in which it is unlikely the occupants would spend much of the day.
6. The proposal will extend further along the shared boundary and so will have some impact on the outlook from and light to this utility room window. It will also result in some additional overshadowing of the rear garden space of No. 14, closest to the development. However, in the context of the nature of the use of the affected room, and the size and south facing orientation of the rear garden, the proposal would not unreasonably overshadow habitable rooms or the private garden, or unduly reduce the outlook from No. 14.
7. With respect to the living conditions of the occupiers of the appeal property, there is a narrow obscurely glazed window in the south facing rear elevation, spanning the small gap between the side elevation of the existing rear extension and the shared boundary fence. This is the sole window serving a bathroom within the appeal property. Given the window's small size and enclosed position, the room does not benefit from significant amounts of natural light currently and, as the window is obscurely glazed, has limited outlook. Whilst the proposal may marginally affect natural light levels to the room, it is considered a "non-habitable" room within the SPD and so limited weight is given to protecting light to and outlook from it. Accordingly, the proposal would not unreasonably overshadow habitable rooms of, or unduly reduce the outlook from, the appeal property.
8. In relation to the main issue, the proposal would not harm the living conditions of the occupiers of 14 Standiforth Road or the appeal property, and therefore complies with Policy LP24 of the Local Plan, which seeks to provide a high standard of amenity for future and neighbouring occupiers.

Conclusion

9. The proposed development would comply with the development plan. The appeal should therefore be allowed.

Ryan Cowley

INSPECTOR