



Appeal Decision

Site visit made on 24 May 2022

by J Symmons BSc (Hons) CEng MICE

an Inspector appointed by the Secretary of State

Decision date: 20th July 2022

Appeal Ref: APP/Z4718/W/22/3290231

146 Commercial Road, Skelmanthorpe HD8 9DS

- 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 T Sprott of Silverwood & GNS Property against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/62/91819/E, dated 30 April 2021, was refused by notice dated 1 October 2021.
 - The development proposed is described as erection of 2 no detached properties and extension of existing detached property. Laying out of new driveway to feed new and existing properties. Erection of 3 no detached single garages.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. During my site visit I noted that some work had been undertaken, albeit not in the area shown as Plot 1 on the plans. I am considering this appeal on this basis.

Main Issue

3. The main issue in this appeal is the effect of the proposed development's Plot 1 dwelling on the living conditions of the neighbours at 1 Poplar Rise in terms of light and whether it would be overbearing.

Reasons

4. The appeal site consists of a detached dwelling with large garden located on the corner of Commercial Road and New Lane. It is bounded to the west by rear gardens of properties on Poplar Rise.
5. As described on the plans, Plot 1 sits between Plot 3 and the rear garden of 1 Poplar Rise (No 1). The land associated with Plot 1 is adjacent to Commercial Road and is raised above both the road and No 1. At the boundary with No 1 there is a relatively high hedge with timber fence. Within No 1's garden there is a mature tree.
6. The proposed dwelling on Plot 1 would be two and half storeys high and its side gable would face No 1. The new dwelling would be separated from the side boundary by a narrow side path and the existing hedge would be retained but cut back to allow the side path to be formed.

7. Guidance on appropriateness and design standards for extensions is detailed in Kirklees Housebuilders Design Guide Supplementary Planning Document (SPD). The separation between the buildings of Plot 1 and No 1 would exceed the SPD's recommended 12 metres for two storey buildings which are at the same level. However, the SPD also advises that longer distances may be necessary due to effects from higher buildings and steeper topography.
8. When viewed in the context of Plot 1's height and side elevation, and its very close proximity to the boundary with No 1, the resultant effect of the proposal would be to create an overbearing and dominant feature. This would significantly impact on the outlook of the occupants from the garden and building of No 1. The appellant's street scene drawing only shows the difference in levels in elevation and, as such, it does not provide conclusive evidence of the likely effects of the proposal.
9. While I acknowledge the proposal retains the boundary hedge to provide screening to No 1, there appears to be very limited space shown for this on the plan. Notwithstanding this, the hedge's screening effect would be limited, with only part of the ground floor elevation hidden. There would still be a significant expanse of first floor and gable walling visible. Screening from the garden tree would also be limited due to its northern location to the boundary and the periods when it would not be in leaf.
10. In relation to light, I have paid regard to the appellant's sun path analysis. The analysis does not identify and assess the potential effects on specific spaces within No 1. As such, its technical robustness cannot be fully confirmed. In view of my conclusion of harm in relation to overbearing effects, and taking a precautionary approach to this issue, the evidence does not satisfactorily demonstrate acceptable effects on natural light. In considering this matter I have taken account of the existing boundary hedge and tree which may currently cause some overshadowing of No 1.
11. In conclusion, the proposed development's Plot 1 dwelling would adversely effect the living conditions of the neighbours at 1 Poplar Rise in terms of light and being overbearing. It would be contrary to Policy LP24 of the Kirklees Local Plan 2019 and the SPD which seek to promote good design that provides a high standard of amenity for neighbouring occupiers.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

J Symmons

INSPECTOR