
Appeal Decision

Site visit made on 11 July 2022

by J D Westbrook BSc(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27TH July 2022

Appeal Ref: APP/Z4718/D/22/3299191

14 Hill Top Crescent, MIRFIELD, WF14 8HT

- 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 Miss Sonia Kaye against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/90333/E, dated 1 February 2022, was refused by notice dated 5 April 2022.
 - The development proposed is the erection of a single-storey rear extension and detached outbuilding, and the demolition of an existing garage.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a single-storey rear extension and detached outbuilding, and the demolition of an existing garage, at 14 Hill Top Crescent, MIRFIELD, WF14 8HT, in accordance with the terms of the application, Ref 2022/62/90333/E, dated 1 February 2022, and the plans submitted with it, 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: Location Plan and Drawings Nos 2021/329/01 – 08 inclusive.
 - 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.

Main Issues

2. The main issues in this case are the effects of the proposed extension and outbuilding on:
 - The character and appearance of the area around Hill Top Crescent, and
 - The living conditions of the occupiers of No 16 Hill Top Crescent by way of light and outlook.

Reasons

3. No 14 is a semi-detached house situated at the western end of Hill Top Crescent, which is a cul-de-sac. The four houses around the turning circle at the head of the cul-de-sac all have irregular-shaped plots with very large rear

gardens. No 14 would appear to have one of the largest plots along the road. The house has been enlarged in the past with a two-storey rear extension that projects some 3 metres out from the original rear elevation. There is a detached garage in poor condition to the rear of the house, along the boundary with the neighbouring No 12.

4. The proposed development would involve the demolition of the garage and its replacement with a detached outbuilding in a similar position but on a larger footprint. It would also involve the construction of a single-storey rear extension projecting a further 3 metres out from the existing rear elevation, and set in from the boundary with No 16 by around 1 metre. It would have a height to eaves of around 2.65 metres and would have a flat roof with a pyramid-style lantern roof in the centre.
5. Policy LP24 of the Kirklees Local Plan (LP) indicates that development proposals should promote good design by ensuring that, amongst other things, extensions are subservient to the original building; are in keeping with the existing buildings in terms of scale, materials and details; and minimise impact on residential amenity of future and neighbouring occupiers.
6. The Council's House Extensions and Alterations Supplementary Planning Document (SPD) indicates that extensions and alterations to residential properties should be in keeping with the appearance, scale, design, and local character of the area and the street scene; should not dominate or be larger than the original house and should be in keeping with the existing building in terms of scale, materials and detail; should not adversely affect the amount of natural light presently enjoyed by a neighbouring property; and should not unduly reduce the outlook from a neighbouring property. In addition, the SPD notes that single-storey rear extensions can have an adverse impact on neighbouring properties and gardens. Careful consideration should therefore be given to the design of these extensions to ensure their height and windows do not harm the privacy of neighbours.
7. The Council accepts that the proposed outbuilding would not be out of character with the area and that it would not have any significant impact on the amenities of the occupiers of the adjacent 12 Hill Top Crescent. I concur with that view, and I have, therefore, restricted my consideration to that of the proposed single-storey rear extension.
8. The Council contends that the proposed rear extension, by reason of the cumulative impact of the existing and proposed extensions, would not form a subservient addition to the dwelling and would result in the formation of an incongruous feature disproportionate to the original host building. Moreover, the proposed rear extension, by reason of the cumulative projection, would result in an overshadowing and overbearing impact on the rear window and amenity space of the adjoining 16 Hill Top Crescent, thereby detrimentally affecting the residential amenity of the occupants.
9. The appellant contends that the proposed extension would, in general, comply with guidance on rear extensions given in paragraph 5.6 of the SPD; that it would not overshadow the neighbouring property at No 16; and that it would be only slightly higher than the existing boundary hedge.

Character and appearance

10. The appeal property occupies one of the largest plots on Hill Top Crescent. It has an extensive rear garden area. I acknowledge that the original house has already been enlarged by way of a two-storey rear extension, though this is only 3 metres deep and does not appear out of scale. Moreover, this is not visible in the street scene, and the proposed single-storey extension to the rear would similarly not be a feature in the streetscape. The neighbouring No 16 benefits from a large two-storey side extension, which is prominent in the street scene, and also from a wide single-storey extension across much of the rear of the property which is some 4.2 metres deep. In the context of its immediate surroundings, therefore, the proposed rear extension at No 14 would not appear out of scale or character.
11. On this issue, therefore, given the size of the plot at the appeal property and the limited depth of the existing two-storey extension, I consider that the proposed single-storey rear extension, which would have a limited projection and a 1 metre set-in from the side boundary, would respect the original house and garden in terms of its size and scale. It would not be an incongruous feature disproportionate to the original host building, and it would not be harmful to the character or appearance of Hill Top Crescent.

Living conditions

12. No 16 Hill Top Crescent is situated to the south of the appeal property and the proposed single-storey rear extension at No 14 would not, therefore, overshadow the neighbouring property at any time of the day.
13. It would appear that there are patio doors in the rear elevation of No 16 close to the boundary with No 14, whilst all other windows in the ground-floor rear elevation are in the existing extension. Only the patio doors and the small amenity area immediately outside would, therefore, appear to be affected by the two-storey extension at No 14. Since the outlook at the rear of No 16 is over the large rear garden to the west and south, and thence over open countryside, I do not consider the existing situation to be oppressive or overbearing. The addition of a single-storey extension, set away from the boundary by 1 metre and only 2.65 metres high to the eaves, would not significantly affect the outlook from No 16, particularly given the existence of a 2 metre high hedge on the boundary between the two properties and the potential for a replacement 2 metre high fence along that boundary.
14. On this issue, therefore, I do not consider that the proposed single-storey rear extension would be harmful to the living conditions of the occupiers of No 16 by way of overshadowing or overbearing outlook.

Conclusion

15. Given that the proposed rear extension would not be visible in the street scene; that there are other large extensions to properties in the vicinity; that it would not dominate or be larger than the original house; that it would be in keeping with existing buildings in terms of scale, materials and details; and that the appeal property has a large plot, I do not consider that the proposal would be harmful to the character or appearance of the host property or the wider area around Hill Top Crescent. On this basis it would not conflict with Policy LP24 of the LP, or with guidance in the SPD.

16. Given the spatial relationship of the appeal property with that of the neighbouring No 16, I do not consider that there would be any harmful overshadowing of No 16 caused by the proposal. Similarly, by virtue of the limited scale of the proposed rear extension, along with its set-in position of 1 metre from the joint boundary, I do not consider that it would result in an oppressive or overbearing outlook to the occupiers of the neighbouring dwelling. On this basis it would not conflict with Policy LP24 of the LP, or with guidance in the SPD.

Conditions

17. I have attached a condition relating to plans because it is necessary that the development shall be carried out in accordance with the approved plans for the avoidance of doubt and in the interests of proper planning. I have attached a further condition relating to materials in the interests of the visual amenities of the area.

J D Westbrook

INSPECTOR