



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/22/3300291

4 Windermere Road, DEWSBURY, WF12 7PQ

- 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 Rachel Martin against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/62/91781/E, dated 27 April 2021, was refused by notice dated 21 March 2022.
 - The development proposed is the erection of a single-storey rear extension, a two-storey side extension, and a canopy to the front.
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Decision

1. The appeal is dismissed

Main Issues

2. The main issues in this case are the effects of the proposed extensions on:
 - The character and appearance of the area around Windermere Road, and
 - The living conditions of occupiers of No 6 Windermere Road by way of light and outlook.

Reasons

3. No 4 is a semi-detached house situated on the eastern side of Windermere Road, close to its junction with Grasmere Road. The proposed development would involve the construction of a single-storey rear extension, 3 metres deep, across the whole of the rear elevation; a two-storey extension to the side of the existing house, some 2.5 metres wide and up to the boundary with the neighbouring No 6; and a canopy across the front of the property.
4. 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.
5. 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 and local character of the area and the street scene; should not dominate the original house; should be

in keeping with the existing building in terms of scale, materials and detail; and should not adversely affect the amount of natural light or outlook presently enjoyed by a neighbouring property. In addition, two-storey side extensions should not take up all or most of the space to the side of a house; should maintain a 1 metre gap to the side boundary to ensure the building is not too close to a neighbouring property; and should be set back at least 0.5 metres from the front wall of the house.

6. The Council contends that the proposed side extension would take up all or most of the space to the side of the house and fail to maintain a 1 metre gap to the side boundary and, as such, it would close a gap between semi-detached houses and further erode a sense of space between houses which is a positive characteristic of the street-scene. In addition, the close proximity and massing of the proposed side extension to windows in the side elevation of No 6 would significantly reduce views from the windows whilst resulting in an increased overbearing impact and overshadowing. Finally, the proposal includes turning the entire front garden into off-street parking, which would contribute to a street-scene dominated by large areas of hard surfaces and parked cars and thereby having a negative impact upon the character of the street scene.
7. The appellant contends that, apart from a failure to maintain a 1 metre gap to the side of the property, the proposal would generally conform to guidance in the SPD. Moreover, there are a number of existing extensions which have been allowed in the area which do not have a gap to the side or any set back and set down. In addition, all of the windows in the side elevation of No 6 serve non-habitable rooms and the proposed side extension would not add significantly to any overshadowing of the neighbouring property. Finally, she contends that the creation of off-street parking in the front garden should be considered as permitted development and that details of such an arrangement could be covered by a suitable condition.
8. The Council accepts that the proposed rear extension 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 No 2 Windermere Road. It also raises no issues with regard to the proposed front canopy. I concur with that view, and I have, therefore, restricted my consideration to that of the proposed two-storey side extension.

Character and appearance

9. The appeal property (No 4) is a semi-detached house that has not been previously extended. The adjoining No 2 has a rear conservatory. The neighbouring No 6 has also not previously been extended, and is separated from the dwelling at No 4 by the driveways associated with each house, which are around 2.5 metres wide. The side extension at No 4 would fill the gap between the existing house and the boundary with No 6. It would be set back 0.5 metres from the front elevation of the house at first-floor level and would be flush with the main front elevation at ground-floor level. A canopy would be constructed to extend across the whole of the front elevation, including the extension, as a unifying design element.
10. The appellant notes the existence of a number of two-storey side extensions to properties along Windermere Road and nearby roads. I acknowledge the existence of these examples, but from the information available to me, it would appear that those on Windermere Road pre-date the current SPD, which was

adopted in June 2021. Those on other nearby roads have more recent permissions, but these still appear to date from before or around the time of the introduction of the new guidelines. It would appear that discussions relating to the proposals at No 4 were still ongoing around October 2021, when the new guidelines had been in force for some months.

11. The earlier examples of two-storey side extensions along Windermere Road appear, in general, as unattractive additions to the host properties in the context of the street scene. Some are extensions to adjacent pairs of semi-detached properties that have resulted in complete closure of the gaps between the pairs, and these are, in my opinion, harmful to the character and appearance of the street scene, where most houses have gaps between them to preserve a sense of space. Such examples should not, therefore, be viewed as appropriate precedents. By building up to the side boundary with the neighbouring No 6, the proposed side extension at No 4 would result in a harmful erosion of space between the properties, with the potential for the creation of a terracing effect should a similar proposal be sought by occupiers of No 6, which would become difficult to refuse.
12. The side extension would mean that off-street car parking would effectively be restricted to the front garden area of the house, as is referred to on the submitted block diagram. Whilst the design and materials used for such an arrangement could be covered by condition, I have concerns that the side extension would result in closing off access from the rear of the house to the front, and that provision for bin storage would therefore also need to be accommodated in the front garden area. On this basis, the appeal property would appear in the street scene as somewhat cramped on its plot, harmful to the character and appearance of the area, particularly given the fact that the front elevation of the side extension would not be set back at ground-floor level, and only set back by the minimum 0.5 metres at first-floor level.
13. In conclusion on this issue, I find that the proposal would be harmful to the character and appearance of the area around Windermere Road.

Living conditions

14. No 6 is situated to the north of the appeal property and has four windows in the side elevation facing No 4. From my visit and the other information before me, it would appear that three of the windows serve a staircase and other non-habitable rooms. The fourth window serves a small kitchen, which also has a glazed door in the rear elevation. On this basis, I consider that all four windows effectively serve non-habitable rooms or spaces, and that the proposed side extension at the appeal property would not, therefore, unreasonably overshadow neighbouring habitable rooms.
15. The side elevation of the proposed extension would be some 2.5 metres from the side elevation of No 6 and would present a large, unrelieved brick wall as the outlook from that part of the neighbouring property. However, since the only room directly affected by this would be the small kitchen, I do not consider that the impact would be significant for the occupiers of that house, given that the main outlook from the habitable rooms is to the front and back.
16. In conclusion on this issue, I find that the proposed side extension at No 4 would not be significantly harmful to the living conditions of the occupiers of the neighbouring No 6 by way of light or outlook.

Conclusion

17. I find that the proposed side extension at No 4, by virtue of its scale and position on the plot, would be harmful to the street scene and, therefore, also to the character and appearance of the area of Windermere Road. On this basis, it would conflict with Policy LP24 of the LP and with guidance in the SPD. I consider that any harm to the living conditions of the occupiers of the neighbouring No 6, by way of impact on light and outlook, would not be significant. Nevertheless, this lack of significant harm does not outweigh the harm to the character and appearance of the surrounding area. Accordingly, I dismiss the appeal.

J D Westbrook

INSPECTOR