



Appeal Decision

Site visit made on 1 November 2022

by J D Clark BA (Hons) DpTRP MCD DMS MRTPI

an Inspector appointed by the Secretary of State

Decision date: 25 November 2022

Appeal Ref: APP/Z4718/D/22/3304946

34 Ullswater Road, Dewsbury WF12 7PR

- 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 Dominic Byrne against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/91362/E, dated 20 April 2022, was refused by notice dated 24 June 2022.
 - The development proposed is demolition of the existing garage, two storey side extension, single storey rear extension and kerb drop to the front.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the extension on: -
 - the character and appearance of the area; and
 - the living conditions of the occupiers of 36 Ullswater Road by reason of outlook and light.

Reasons

Character and Appearance

3. The appeal site is within a residential area comprising a mix of two storey houses and bungalows. No 34 Ullswater Road is a semi-detached house adjacent to No 36, a detached bungalow. No 34 is located close to a bend in the road which together with being taller than the adjacent bungalow makes it prominent in the street scene.
4. The proposal would extend the house to the side as well as to the rear but the side extension would have the greater impact on the character and appearance of the area. It would close the gap between Nos 34 and 36 and although No 36 is lower than 34, this would affect the generally spacious character of the road. The small set back from the front elevation and the slightly lower ridge height would do little to lessen the bulk and massing of the extension. Though the demolished garage was in a similar position, the two storey bulk of the side extension would have a greater and more harmful effect on the spaciousness of the locality.
5. I conclude therefore that the proposal would have a harmful effect on the character and appearance of the area, it would not meet the high standard of

design, be subservient to the original house, nor respect or enhance the character of the townscape as required by Local Plan¹ Policy LP24 or the National Planning Policy Framework². Furthermore, it would conflict with the Council's SPD³, Key Design Principles 1 and 2 which generally seek the same.

Living Conditions

6. The adjacent bungalow has a bedroom window in the side elevation facing the side elevation of No 34. I saw on site that this is the only window to this bedroom. The garage had been demolished at the time of my site visit but from the submitted plans, the occupiers of No 36 would have looked out onto the side wall of the garage. A two storey extension so close to the boundary and the bedroom window of No 36 would however, be significantly higher and more intrusive. It would create a poor outlook, comprising a two storey brick wall that would be overbearing. Whilst the proximity of Nos 34 and 36 to each other and their orientation would not affect direct sunlight or cause overshadowing, the proposal would reduce the amount of light into the bedroom.
7. The proximity and scale of the two-storey side extension would have a harmful effect on the living conditions of the occupiers of 36 Ullswater Road contrary to Local Plan Policy LP24, which, in addition to that above, requires development proposals to provide a high standard of amenity for neighbouring occupiers.

Other Matters

8. I note that there are some isolated examples of other two-storey extensions to the side of houses in the road which have the effect of reducing the space between houses. However, these do not reflect the general character of the area.
9. I appreciate that the appellant sought pre-application advice from the Council and the principle of the development was considered acceptable. However, this does not indicate that the details of the scheme as submitted would be acceptable.
10. The appellant states that the property had been in a state of disrepair and uninhabitable for many years. Whilst I have no reason to dispute this, I accept that improving the appearance of a house in disrepair would very likely improve the street scene, however, this matter does not carry sufficient weight to overcome the harm I have identified.
11. I note the appellants view that the policies referred to are subjective but my assessment in relation to these policies is set out above. Furthermore, the policies are part of the approved development plan and Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires that applications are determined in accordance with the development plan unless material considerations indicate otherwise. The SPD provides further guidance and is a material consideration as too is the Framework.

¹ Kirklees Council - Kirklees Local Plan Strategy and Policies, Adopted 27 February 2019.

² Ministry of Housing, Communities and Local Government National Planning Policy Framework, 2021 (the Framework) – Section 12.

³ Kirklees Council – House Extensions and Alterations SPD, June 2021.

Conclusion

12. For the reasons given above and having considered the development plan as a whole and all other material considerations, I conclude that the appeal should be dismissed.

J D Clark

INSPECTOR