



Appeal Decision

Site visit made on 28 November 2022

by B Pattison BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9 December 2022

Appeal Ref: APP/Z4718/D/22/3307523

75 Imperial Road, Edgerton, Kirklees, Huddersfield HD1 4PG

- 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 Khurram Nisar against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/90514/W, dated 10 February 2022, was refused by notice dated 1 July 2022.
 - The development proposed is single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The appeal property's rear boundary adjoins the is Edgerton Conservation Area (CA). There is no dispute between the parties that the proposed physical works to the property, which would be limited to a single storey rear extension, would have an adverse effect on the character or appearance of the adjoining CA. Having considered the proposal and visited the site I concur with that view. Accordingly, it is my view that the development proposed would preserve the character and appearance of the adjoining CA and I shall make no further reference to this matter.

Main Issue

3. The main issues are:
 - The impact of the proposed development on the character and appearance of the area
 - The impact of the proposed development on the living conditions of the occupiers of 77 Imperial Road, with particular reference to outlook and light.

Reasons

Character and appearance

4. The appeal property is a semi-detached house located on a part of Imperial Road which is primarily characterised by semi-detached houses which are broadly uniform in terms of their design and facing materials. Many of the properties on the road have single or two storey rear and side projections. The property is faced in a mix of stone and pebble dash render, with a hipped roof

form with slate tiles. It is set behind a front garden with a low front wall, and the property also has a small rear garden.

5. The extension would be six metres in depth and full-width, with one elevation constructed on the shared boundary with 77 Imperial Road. As a consequence, it would cover a significant proportion of the rear garden and would appear as an uncharacteristically large addition. The principle of an extension to the property is acceptable. However, the rear extension's significant depth would result in an addition which would be out of scale with the building and would appear as an overly dominant and unbalancing feature. This would not be mitigated by the proposed materials which would match with the property's existing facing materials.
6. The extension would be visible from Imperial Road, through the gap between the appeal property and 73 Imperial Road, although this would not have a harmful an impact on the streetscene. However, the impact of the extension would be seen from the immediate properties which overlook the rear of the appeal property. The extension's depth would be exacerbated by the appearance of the two long side elevations which would have no windows or features to visually break up the expanse of brickwork. Overall, the extension would not appear as a proportionate or subordinate addition to the host property. It has been put to me that an extension of this depth with a pitched roof is not technically feasible. Be that as it may, I have identified harm as a result of other aspects of the design.
7. The Council refer to its House Extensions and Alterations SPD (2021) (SPD). In respect of single storey rear extensions the guideline maximum projection set by the SPD is 3 metres for semi-detached properties. The SPD also suggests the retention of a 1 metre gap from the property boundary and a maximum eaves height of 2.5 metres where extensions exceed 3 metres in length. The rear extension would conflict with each of these SPD guidelines for single storey rear extensions.
8. I have had regard to other single and two storey side and rear projections which exist on Imperial Road, including the examples submitted by the appellant. However, based on the available evidence, these appear to have a different scale to the appeal proposal and do not project 6 metres in depth. They are therefore not directly comparable. In any event, their existence does not indicate that the proposed development is acceptable.
9. For the above reasons, I conclude that the appeal development would harm the character and appearance of the area. I therefore find that it would conflict with Policies LP2 and LP24 of the Kirklees Local Plan Strategy and Policies (2019) (KLP). These policies seek to ensure, amongst other aspects, that all new development is of a high standard of design and respects local character.
10. As set out above, the design would also conflict with the SPD guidance in relation to the design of single storey rear extensions. I have also found conflict with the principles of the National Planning Policy Framework (2021) (the Framework) that that seek good design sympathetic to the local area.

Living conditions

11. As the extension would be built right to the shared boundary with 77 Imperial Road its depth has the potential to impact both the outlook and level of light

for occupiers of the neighbouring property. Similarly, I have concerns with the height of the extension which, the appellant confirms, would have a maximum height of 3.5m on the boundary with the neighbouring property.

12. No. 77 has glazed doors on its rear elevation which appear to supply a habitable room. Given that the doors are only a short distance from the shared boundary, the extension would be highly visible from within the room. The extension would replace natural hedging which is approximately 1.5 metres in height, with a uniform height brick wall of 6 metres depth and with no softening features. Whilst the extension may provide additional privacy to the occupiers of adjoining property, it would have a looming presence when viewed through the glazed doors and also when viewed from the garden area immediately outside No. 77's rear elevation. The combined depth, height and proximity of the proposed rear extension to the neighbouring property's habitable windows mean that the proposed development would have an adverse impact on the living conditions of neighbouring occupiers in terms of a sense of enclosure and thus a loss of outlook.
13. The presence of an extension of this depth, height and with limited separation from No. 77's ground floor glazed doors would also overshadow these during the morning period, and potentially for longer periods during the winter months. Overall, I find that the extension, in such close proximity, would substantially reduce the amount of daylight and sunlight reaching the accommodation. The appellant has submitted three dimensional modelling as part of an overshadowing study which seeks to demonstrate that the extension would not have a harmful effect on the occupiers of No. 77. However, the study does not include a methodology to demonstrate how the findings of the overshadowing study were achieved. Consequently, I afford the study limited weight. The proposed extension would clearly conflict with the guidelines set out in the Council's SPD which suggests that extensions should not breach the 45 degree rule, when measuring from the nearest habitable room window.
14. For the above reasons, I conclude that the proposed extension would harm the living conditions of the occupiers of 77 Road, with particular reference to outlook and light. I therefore find that it would conflict with Policy LP24 of the KLP. Amongst other aspects, this seeks to protect the living conditions of occupiers of neighbouring adjoining properties.
15. As set out above, the design would also conflict with the SPD guidance in relation to the design of single storey rear extensions. I have also found conflict with the principles of the Framework that seek good design which provides a high standard of amenity for existing and future users.

Other Matters

16. I acknowledge that the appellant is frustrated with the Council's handling of the proposals. The appellant has also confirmed that he is prepared to amend any aspect of the proposed development's appearance including materials, and has from the outset sought to work with the planning authority in all respects. However, I must determine the appeal on the basis of the drawings and information which I have before me.
17. The extension would make an efficient use of the site whilst providing additional and improved living accommodation. This would be beneficial for the appellant who has a growing young family and would enable him and his

spouse to continue to work from home, whilst they are unable to afford to move to a larger property. Whilst I have given the appellant's personal circumstances careful consideration, I am mindful of the advice contained in Planning Practice Guidance¹ that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances cease to be relevant. I also recognise that the occupiers of No. 77 have not raised any objections. However, each appeal must be determined on its own planning merits and I am mindful that the development and the associated harm would also be likely to remain long after the current occupiers might reside in No 77.

18. The appellant has referred to their permitted development rights as a potential fall-back position. However, I have seen nothing to suggest that the proposed development could be undertaken using permitted development rights. As such, it is a matter of negligible weight.

Conclusion

19. The proposal would harm the character and appearance of the host property and the living conditions of neighbouring occupiers. For the above reasons, having had regard to the development plan as a whole, along with all other relevant material considerations, I conclude that the appeal should be dismissed.

B Pattison

INSPECTOR

¹ Paragraph 008 Reference ID 21b-008-20140306 – 'What is a material planning consideration?'