



Appeal Decision

Site visit made on 21 November 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13 December 2022

Appeal Ref: APP/Z4718/W/22/3302043

22 Brewery Lane, Thornhill Lees, Dewsbury WF12 9DZ

- 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 M Ismail against the decision of Kirklees Council.
 - The application Ref 2022/62/90199/E, dated 20 January 2022, was refused by notice dated 17 March 2022.
 - The development proposed is a single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey rear extension at 22 Brewery Lane, Thornhill Lees, Dewsbury WF12 9DZ in accordance with the terms of the application, Ref 2022/62/90199/E, dated 20 January 2022, and the plans numbered 21225-D01-A and 21225-D02-A.

Preliminary Matters

2. The development description on the application form states, "Single storey rear extensions". However, it is clear from the plans and evidence that one extension to the property only is proposed. I have amended the wording accordingly.
3. A single storey rear extension has been built which matches that shown on the submitted plans.

Main Issues

4. The main issues are:
 - The effect of the development upon the character and appearance of the host property; and
 - The effect of the development upon the living conditions of the occupants of 13 Nursery Street, with particular regard to outlook.

Reasons

Character and appearance

5. 22 Brewery Lane is located within an area of mixed character with residential and commercial properties nearby. No 22 is a 2 storey property which adjoins a row of terraced houses. The property is set within a spacious plot with a large hardstanding to the side and rear of the building. In addition to the rear extension subject of this appeal, the property has an existing single storey extension which runs the width of the rear elevation. The property is

predominantly constructed of local stone with a slate roof. The front of the property incorporates some distinctive and ornate architectural detailing including a stonework canopy above a front door. At the rear, the property incorporates 3 distinctive hipped roof features.

6. Being a single storey extension with a modest footprint, the extension subject of the appeal is neither bulky nor of significant size. I accept that, together, the two rear extensions have enlarged the property more significantly, whilst the rear extension subject of the appeal projects as an outrigger, with some resultant divergence from the built form and layout of the original building. However, neither extension has affected the first floor, whilst the 3 distinctive hipped roof features at the rear of the property have also not been affected by the development and remain clearly visible. Also, the distinctive architectural detailing on the front elevation of the building, which contributes significantly to the character of the host property, has not been affected by the development nor the previous extension.
7. The rear extension subject of the appeal does not adjoin the original 2 storey element of the property but projects from the existing single storey rear extension. It does not, therefore, conceal any further, any element of the rear elevation of the original building. Furthermore, the external materials utilised within the rear extension subject of the appeal very closely match those of the extension which it projects from, whilst they remain sympathetic to the original building.
8. Therefore, the development causes no harm to the character or appearance of the host property and constitutes a subservient and sympathetic addition to the building. The development therefore accords with policy LP24 of the Kirklees Local Plan, 2019 (LP). In summary, and amongst other matters, this policy seeks to promote good design by ensuring that extensions are subservient to the original building and remain in keeping with the existing building in terms of their scale, materials and detailing. The development would also comply with content within the National Planning Policy Framework (the Framework), including paragraph 130 which states that development should be visually attractive and be sympathetic to local character.

Living conditions

9. 13 Nursery Street is situated at the end of a short row of traditionally designed terraced properties. Such rows of terraced properties are quite common near to the appeal site. There is a disparate approach to the configuration of buildings in the immediate area and there are instances where buildings run closely alongside the garden and yard spaces of their neighbouring properties. The host property provides such an instance, its two storey side elevation projects past the rear elevation of the adjoining terrace and alongside its rear yard. Such property relationships are, therefore, quite characteristic of the area.
10. Though running close to it, the extension is set off from the common boundary with No 13. The extension stops short of the rear elevation of No 13 and a gap is therefore maintained between it and the ground floor windows within No 13. The common boundary comprises of a stone wall which is higher than the stone wall section of the flanking elevation of the extension. The upper parts of the extension are largely glazed which provides for a light weight and partly transparent appearance. Being single storey and incorporating a flat roof the extension is a relatively low feature.

11. For these reasons I find that the extension would not cause overbearing or oppressive effects upon the occupants of No 13 with particular regard to their use of the rear yard space and ground floor rooms. It follows that the development accords with policy LP24 of the LP, which states that extensions should minimise their effects upon the living conditions of neighbouring occupiers. The development would also comply with content within the Framework, which at paragraph 130, states that development should promote a high standard of amenity for existing occupiers.

Conditions

12. I have no substantive evidence before me that the site is likely to contain any contaminants. I note within the Council's Officer Report the reference to the need for a condition in relation to any unexpected site contamination which may arise. However, such conditions provide effective controls in instances such as where development is yet to commence and where, during the course of construction, evidence of contamination is found. Such a condition permits, in those instances, a means to ensure investigation, remediation and verification of the suspected contamination. In this case construction activities have ceased as the development is complete and, therefore, I find that such a condition would be unnecessary and unreasonable.
13. With the development carried out I have allowed the appeal on the basis of the submitted plans and no conditions are necessary.

Conclusion

14. For the above reasons, the appeal is allowed.

H Jones

INSPECTOR