



Appeal Decision

Site visit made on 23 November 2022

by J Moore BA (Hons) BPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 28 DECEMBER 2022

Appeal Ref: APP/Z4718/D/22/3307066

6 Hirst Avenue, Heckmondwike, WF16 9PT

- 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 Rizwan Baig against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/91814/E, dated 24 May 2022, was refused by notice dated 17 August 2022.
 - The development proposed is house extension and alteration.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the two-storey rear and side extensions upon the character and appearance of the host dwelling and the wider area; and upon the living conditions of the occupants of No.4 and No.8 Hirst Avenue (No.4, No.8) and No.7 Wood Avenue (No.7), with particular regard to outlook and privacy.

Reasons

Character and appearance

3. The appeal site is a semi-detached property within a predominantly residential area. Properties are characterised by large separation distances together with modest front and rear gardens, which make a positive contribution to the area's open and spacious character.
4. The Kirklees Council House Extensions and Alterations Supplementary Planning Document, adopted June 2021 (SPD), sets out that two-storey side extensions should not take up all or most of the space to the side of the house, and maintain a 1 metre gap to the side boundary. Two-storey extensions should be set back at least 500mm from the front wall of the house, and should have a lower ridge line and be visually smaller in relation to the original house.
5. Despite the proposed two-storey side extension being set back and the ridge height being slightly lower than the original house, the width of the two-storey side extension would be excessive and considerably more than 50% of the width of the original house. The sheer scale of the proposed two-storey side extension would appear as a dominant addition to the side elevation and would not appear subservient to the host dwelling. This would result in a detrimental impact to its character and appearance.

6. Furthermore, due to the width of the proposed two-storey side extension, it would significantly reduce the gap between No.6 and No.8, and it would give the discordant appearance of a cramped street scene. When this is combined with its overall scale, its substantial width and its height, it would create an unbalanced appearance to the host property and the adjoining property.
7. For the reasons above, I therefore conclude that the proposal would harm the character and appearance of the host dwelling and the wider area. I find that the proposal conflicts with Policy LP24 of the Kirklees Local Plan Strategy and Policies, adopted 27 February 2019 (KLP), and fails to follow the guidance within the SPD. The policy and guidance seek to promote good design by ensuring that proposals respect and enhance local character; and to ensure that house extensions enhance the appearance of an area and respond positively to local context.

Living Conditions

8. Due to the position, scale and massing of the proposal in relation to the splayed position of No.8 in a triangular plot, the proposed two-storey side and rear extensions would be in close proximity to the rear elevation and rear windows of this property. The proposed extensions would fail the SPD's 45-degree line of sight guideline in regard to these windows, and this would create an unacceptable loss of outlook. From the nearest windows and rear garden of No.8, the two-storey side and rear extensions would appear significantly overbearing and there would be a significant overshadowing effect.
9. The proposed two-storey rear extension would be in close proximity to the boundary with its semi-detached neighbour at No.4. The extension would significantly project at both ground level and first floor level. The rear extension would also fail the SPD's 45-degree line of sight test in relation to the nearest rear windows of No.4 at ground and first floor level, which are likely to be habitable rooms. This would result in an unacceptable overbearing and overshadowing effect.
10. No.7 lies significantly lower than the appeal site due to the topography of the area. The proposed first floor rear extension with windows to habitable rooms at both ground and first floor levels would lie some 9m away from the shared boundary to the rear garden of No.7 at its closest point. As such, due to its position, scale, height and design, it would unacceptably harm the garden privacy of the occupants of No.7. It would also create an overbearing effect due to the massing of the proposed rear elevation.
11. For the reasons above, I therefore conclude that the proposed two-storey side and rear extensions would significantly harm the living conditions of No.4, No.8 and No.7 with particular regard to outlook and privacy. The proposal conflicts with Policy LP24 of the KLP and fails to follow the guidance within the SPD. The policy and guidance seek to ensure that development provides a high standard of amenity for neighbouring occupiers; and to ensure that house extensions minimise harm to the amenities of neighbouring occupiers.

Other Matters

12. The Council has raised no concerns in respect of the ground floor element of the rear extension, which was granted prior approval, nor to the front single

storey element of the proposal. I find no reason to disagree with their assessment.

Conclusion

13. For the reasons given, I conclude that the proposed development conflicts with the development plan, read as a whole. No material considerations have been shown to carry sufficient weight to warrant a decision otherwise than in accordance with it. Therefore, the appeal is dismissed.

J Moore

INSPECTOR