



Appeal Decision

Site visit made on 4 January 2023

by J Hobbs MRTPI MCD BSc (hons)

an Inspector appointed by the Secretary of State

Decision date: 24 January 2023

Appeal Ref: APP/Z4718/D/22/3309735

50 Orchard Street, Savile Town, Dewsbury WF12 9LH

- 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 Shaheen Yakub Patel against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/62/93451/E, dated 31 August 2021, was refused by notice dated 17 August 2022.
 - The development proposed is the erection of a second floor and associated alterations.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of a second floor and associated alterations at 50 Orchard Street, Savile Town, Dewsbury, WF12 9LH in accordance with the terms of the application, ref 2021/62/93451/E, dated 31 August 2021, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan (ref. S01)
 - Proposed Plans and Elevations (ref. S02)
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Preliminary Matters

2. The description of the development has been taken from the Appeal Form as it succinctly summarises the proposed development.

Main Issue

3. The main issue of the appeal is the effect of the proposed extension on the character and appearance of the area.

Reasons

4. Policy LP24, Design, of the Kirklees Local Plan Strategy and Policies (Local Plan), adopted February 2019, states that proposals should promote good design by ensuring, amongst other criteria, the form, scale, layout and details of all development respects and enhances the character of the townscape,

heritage assets and landscape. Insofar as relevant to the proposal, the policy also requires that extensions are subservient to the original building, are in keeping with existing buildings in terms of scale, materials and details and minimise impact on residential amenity of future and neighbouring occupiers.

5. The proposed extension would not be subservient and would lead to the host dwelling being larger in scale when compared to other dwellings in the terrace block. The proposed extension would lead to the appeal property being at odds with the uniformity of the roofscape of surrounding properties. However, the surrounding area is characterised by terrace blocks, with sporadic houses benefitting from upwards extensions including additional storeys, in some circumstances.
6. Whilst the proposed extension would introduce additional massing to the end of terrace property and therefore the terrace block, the proposed additional storey reflects similar extensions present within the wider street scene and surrounding area. This includes properties in terraced rows on raised land levels further along Orchard Street on the opposite side of the road and prominent examples facing Warren Street that are visible in the street scene.
7. In reaching the above findings, I have considered that the proposal would have an acceptable relationship with surrounding properties, including those on Wharf Street at lower land levels, to ensure no impact on the living conditions of their occupiers in terms of privacy, light or outlook.
8. In addition, other design solutions which could have a different effect on the character and appearance of the surrounding area may exist. However, the possibility of alternatives does not alter the absence of an unacceptable impact on the surrounding townscape in the particular circumstances of this case and therefore, the acceptability of the appeal proposal.
9. The proposed extension would not be in keeping with the existing building in terms of scale, it therefore conflicts with Key Design Principle 2 of the House Extensions and Alterations SPD¹. However, the proposed extension would comply with Key Design Principle 1, as it would be in keeping with the local character, and various other key design principles relating to the living conditions of future and neighbouring occupiers. The proposed extension therefore generally accords with the guidance contained within the House Extensions and Alterations SPD.
10. I conclude that the proposed extension does not have an unacceptably harmful effect on the character and appearance of the area. Whilst the proposed extension would not be subservient to the original building it would be in keeping in terms of material and design details; also, it respects the character of the townscape. The proposed development is therefore in general accordance with Policy LP24 of the Local Plan, when read as a whole and taking account of the particular circumstances of the site and its surroundings. The proposed development also accords with the guidance within Chapter 12 of the National Planning Policy Framework, which requires planning decisions to ensure developments add to the overall quality of the area and are sympathetic to the local character.

¹ House Extensions and Alterations SPD, June 2021, Kirklees Council

Conditions

11. To ensure the proposed extension is in keeping with the character and appearance of the surrounding area, a condition specifying materials is required. Conditions to provide certainty of the time limit of the permission and the approved plans are also necessary
12. I do not consider there is a need for a condition requiring a formal parking layout to be submitted and approved by the Council. Following my site visit, I consider there would be sufficient informal off street parking space to accommodate the parking demand generated by the extended property.

Conclusion

13. The proposed development complies with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh this.
14. Therefore, for the reasons given, I conclude that the appeal should be allowed and planning permission granted, subject to the conditions previously set out.

J Hobbs

INSPECTOR