



Appeal Decision

Site visit made on 7 February 2023

by S Dean MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10 February 2023

Appeal Ref: APP/Z4718/D/22/3305569
268 Halifax Road, Liversedge, WF15 6NP

- 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 Mrs S Hepworth against the decision of Kirklees Metropolitan Council.
 - The application Ref 2021/62/94438/E, dated 18 November 2021, was refused by notice dated 6 June 2022.
 - The development proposed is the "erection of 2 storey extensions with juliet balcony and associated alterations with parking".
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording, matching that used on the Decision Notice has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. However, as both parties have used this description in their submissions, and it is a much clearer description of the development proposed, I have used it in my heading above.

Main Issues

3. The main issues are the effect of the proposal on (i) the character and appearance of the host dwelling, (ii) the living conditions of the occupiers of 5 Primrose Lane (No 5) with specific regard to privacy and overlooking, and (iii) whether or not the proposal would provide sufficient and suitably accessible off-street parking.

Reasons

Character and appearance

4. The appeal site is a detached, two-storey dwelling on an unusually shaped plot; the same width as the house at the front, then widening significantly to the rear. Halifax Road is mixed in character and appearance, with a variety of form, scale, material and appearance. Apparently originally attached to a now-demolished terrace, the dwelling has a mixture of hipped and gabled roof forms. The proposal seeks to extend the dwelling rearwards and to the side as the plot widens.

5. Both Policy LP24 of the Kirklees Local Plan, adopted 27 February 2019 (the Local Plan) and the Kirklees House Extensions and Alterations Supplementary Planning Document (the SPD), which seeks to add clarity to the development plan policies, are clear that extensions should be subservient to the original building and should not dominate the host.
6. Although I have not been provided with floorspace or volumetric comparisons between the existing house and the proposed extension, it is clear from the drawings provided, particularly the elevations, that the proposal would not be subservient to the original building and would add significant mass and bulk. The extension of the dwelling to the rear and the side, coupled with the proposed consistent ridge and eaves heights add to this. The overall change to the front elevation, giving a hipped-roof, double-fronted visual effect, with the prominent staircase element and window would fundamentally alter the character and appearance of the host property such that in my opinion the character and appearance of the original building would be almost entirely lost within the proposal.
7. I do not consider that such a substantial proposal, resulting in fundamental change complies with the requirements of either the policy or the SPD, to promote good-design by ensuring that proposals respect existing form and scale and are subservient. Nor do I consider that I have been provided with sufficient evidence to address the *comply or justify* principle set out in the SPD.
8. I note the mixed appearance of surrounding properties, as well as the lack of objections on design, including from conservation officers of the Council. I also acknowledge that other large two-storey extensions may have been constructed elsewhere in the area. However, without specific details, I cannot know the effect they had on the buildings they related to, the circumstances which led to them, or how the relevant policy and SPD were applied to them. Given that, and as each proposal is considered on its own merits, my conclusion remains unchanged. I also note the lack of objection from a nearby architect, but do not consider that a lack of objection outweighs the harm I have found or the conflict with the development plan and relevant guidance.
9. The scale, massing and bulk of the proposal would therefore harm the character and appearance of the host dwelling and would conflict with Policy LP24 of the Local Plan, design guidance in the SPD and advice in the National Planning Policy Framework (the Framework) on achieving well-designed places.

Living conditions

10. In considering this issue, I note that the Council has no objection to the Juliet balcony and my reasoning relates solely to the westernmost first-floor rear-facing window. The rear of the appeal site and the front elevation of No 5 already have a close relationship, but at present, whilst there are no first-floor windows at the appeal site, No 5 has a large first-floor window facing the appeal site. The introduction of first floor, rear-facing windows in an elevation which would be brought closer to No 5 than at present would lead to a distance between habitable rooms of less than the minimum requirements in the SPD.
11. Whilst I acknowledge that the relative angle between the appeal site and No 5 would reduce the overlooking which would occur, it would not wholly remove it, nor would it remove the perception of overlooking that these closely opposed windows would give rise to.

12. I note that no third-party objections have been received on this point, but that does not mean no harm would arise, nor does it mean that the issue should not be considered. In light of the significant shortfall between the separation distance required by the SPD and that proposed here, as well as my conclusions above, I consider that the proposal would harm the living conditions of the occupiers of No 5 with specific regard to a loss of privacy and increased, harmful overlooking. This would be contrary to Policy LP24 of the Local Plan, detailed guidance in the SPD, and the requirement in the Framework to achieve well-designed places with a high standard of amenity for all.

Parking

13. I note the comments from the Council around the amount of parking proposed, but do not consider it necessarily appropriate to seek more parking spaces than required for what is actually being applied for, on the basis of possible future changes. On that basis I am satisfied that the proposal would provide sufficient car parking.
14. Primrose Lane, to the side of the property is only single-carriageway width where it passes the front of the site and the existing house. It widens to the rear and beyond, where cars associated with the property are currently parked on the site. The proposed parking area to the front of the property, in the existing front garden would be close to the junction with Halifax Road, and it is unclear how much of the existing stone boundary wall would be removed to create it.
15. The Council notes that the recommended standard width for turning space is 6m, but that Primrose Lane is only 4.7m wide at the point of the proposed parking. Whilst I do not doubt that it would be possible for the proposed parking spaces to be used, given the narrowness of the lane and its proximity to the Halifax Road junction, I do not consider that the parking would be easy or convenient to practically use.
16. As such, the proposal would conflict with Policies LP1 and LP22 of the Local Plan, which seek, amongst other things, to ensure that proposals can be accessed effectively, and that suitably accessible parking can be provided.

Other Matters

17. I note that the adjacent property is Grade II listed. Having special regard to the desirability of preserving its setting, and giving great weight to the asset's conservation, I agree with the Council and find that the proposal would neither harm the setting of the listed building nor its significance as a designated heritage asset.

Conclusion

18. For the reasons given above I conclude that the proposal conflicts with the development plan and there are no material considerations which indicate that a decision be taken other than in accordance with it. The appeal should therefore be dismissed.

S Dean

INSPECTOR