



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: 15 February 2023

Appeal Ref: APP/Z4718/D/22/3308323

12 Fairfield Crescent, Westborough, Dewsbury, Kirklees WF13 4EQ

- 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 Ms Zainab Hussain against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/92005/E, dated 11 June 2022, was refused by notice dated 10 August 2022.
 - The development proposed is the work involves constructing a two-storey extension to the rear of the property, a front porch and a front dormer. The works are primarily being undertaken to create large open living spaces to provide comfort for a child with special needs. Refer to attached supporting letter from social works.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The above description of development is taken from the application form. However, the proposal would be more accurately summarised as the erection of a two storey rear extension, single storey front extension and front dormer. The Council has considered the application on that basis and I shall do the same in relation to the appeal.

Main Issues

3. The main issues are:
 - the effect of the proposed front extension and dormer on the character and appearance of the area;
 - the effect of the proposed rear extension on the living conditions of the occupiers of Nos 11, 12a and 14 Fairfield Crescent with particular reference to outlook and sunlight; and
 - the effect of the proposed parking arrangements on the safety of pedestrians, cyclists and drivers using Fairfield Crescent.

Reasons

Character and appearance

4. Although there is some variation in the design of dwellings within Fairfield Crescent, each pair of semi-detached houses has strong symmetry. The proposed front extension and dormer, whilst small and subservient to the host building and constructed using similar materials, would imbalance the pair of dwellings and introduce discordant features into the street scene. These

elements of the scheme would disrupt the homogeneity and symmetry which characterises properties within the cul-de-sac.

5. The proposed front and dormer extensions conflict with the House Extensions and Alterations Supplementary Planning Document¹ (SPD). Specifically, Key Design Principle 1, as they would not be in keeping with the local character and the street scene, and Key Design Principle 2, as the design detail is not in keeping with the appeal property.
6. I conclude that the proposal would have an unacceptable adverse impact on the character and appearance of the area. There is conflict with Policy LP24 of the Kirklees Local Plan: Kirklees Strategy and Policies, February 2019 (Local Plan) which states that proposals should promote good design by ensuring the form, scale, layout and details of development respect and enhance the character of the townscape. The proposal is also contrary to the National Planning Policy Framework (NPPF), insofar as it requires planning decisions to ensure that developments add to the overall quality of the area and are sympathetic to the local character.

Living conditions

7. The appellant's statement includes technical evidence relating to sunlight impacts. This indicates that between mid-March and 31 August, there would be some overshadowing of Nos 12a and 14 as a result of the proposed rear extension. The appellant argues that this would be for such a limited time each day that it should not be considered unacceptable. Nevertheless, the loss of the sunlight in the mornings would be a negative impact which weighs against the scheme.
8. Sunlight to No 11 Fairfield Crescent is already affected by Nos 12a and 14 at certain times of the year. However, the evidence indicates that the proposed rear extension would increase overshadowing late in the day. Once again, it is argued that this would be for a limited period of time, but the residents of No 11 would suffer a noticeable loss of sunlight which would lead to a corresponding worsening of their living conditions. This also weighs against a grant of planning permission.
9. The rear windows of Nos. 12a and 14 offer direct views of the gable end of the appeal property and its rear garden. The proposal would increase the depth of the appeal property, which would harmfully increase the sense of enclosure for the residents of No. 12a and 14. I therefore consider the proposed rear extension would have an overbearing impact on the residents of these properties.
10. The effect of the proposed rear extension on the outlook enjoyed by residents of No. 11 is much less. Whilst the extension would be built up to the boundary with No. 11 there would only be angled views of the extension. The residents of No. 11 would still be able to look out a significant distance across their garden and in a northerly direction. I therefore do not consider that the proposed rear extension would have an overbearing impact on the residents of No. 11.
11. I conclude that the proposed development would have an unacceptably harmful effect on the living conditions of the occupiers of Nos. 12a and 14 with particular reference to outlook and sunlight; and the living conditions of the

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

occupiers of No. 11 with particular reference to a loss of sunlight. The appeal scheme is therefore contrary to Policy LP24 of the Local Plan, which states that proposals should promote good design by ensuring they provide a high standard of amenity for neighbouring occupiers. The appeal scheme is also contrary to the NPPF, which requires planning decisions to ensure that developments create places with a high standard of amenity for existing and future users. The appeal scheme is also contrary to key Design Principles 5 and 6 of the SPD, as it would adversely affect the amount of natural light enjoyed by neighbouring residents and it would unduly reduce the outlook from a neighbouring property.

Highway safety

12. Whilst the proposed parking area would be wide and allow some space for manoeuvring of vehicles, I do not consider the space to be adequately sized to accommodate the parking of two vehicles given its reduced depth. As the space is not adequately sized it could lead to vehicles overhanging the site boundary on to Fairfield Crescent, which is a narrow private lane. This could lead to moving vehicles having to manoeuvre around parked vehicles and potentially onto neighbouring driveways. This is potentially hazardous and it would create an unacceptable safety risk for pedestrians cyclists and drivers using Fairfield Crescent.
13. The appeal scheme is therefore contrary to Policies LP21 and LP22 of the Local Plan. These policies require all proposals to incorporate minimum parking spaces for private cars and ensure the safe flow of traffic within the development and on the surrounding highway network. The appeal scheme is also contrary to Key Design Principle 15 of the SPD, which states that extensions should maintain appropriate off-street parking.

Other Matters

14. The decision notice cites Chapters 13 and 16 of the NPPF. These relate to Green Belt and conserving and enhancing the historic environment, neither of which are relevant to the case.
15. The development cited by the appellant at Blenheim Drive is similar to the appeal scheme, insofar as it projects beyond the rear elevation of the neighbouring property and it is built in close proximity to the boundary. However, I have not been provided with evidence of the history of that development. Notwithstanding, the presence of similar extensions in the surrounding area would not lead me to an alternative conclusion on the acceptability of this proposal, in regard to the impact on neighbouring residents' living conditions.

Conclusion

16. The proposed development would cause material harm in respect of its impact on the character and appearance of the area, the living conditions of neighbours and highway safety. Given the permanence of the proposed development, I attach substantial weight to this finding against the appeal.
17. I note from the description of development that the proposal would provide accommodation for a child with special needs. However, I have not been provided with any supporting information or evidence that the appeal scheme is the only feasible option for providing suitable accommodation for the child. I

can therefore only attribute limited weight to the benefit the development would afford this person.

18. I have had due regard to the Public Sector Equality Duty, but the harm caused by the proposed development outweigh its benefits in terms of eliminating discrimination against a person with a protected characteristic, advancing equality of opportunity for that person and fostering good relations between them and others. I therefore conclude that it is proportionate and necessary to dismiss this appeal.
19. The proposed development conflicts with the development plan when considered as a whole and there are no material considerations, either individually or in combination, that outweigh the identified harm and associated development plan conflict.
20. Therefore, for the reasons given above, I conclude that the appeal should be dismissed.

J Hobbs

INSPECTOR