



Appeal Decision

Site visit made on 7 March 2023

by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 27 March 2023

Appeal Ref: APP/Z4718/D/23/3314493

196 Stoneleigh Crackenedge Lane, Dewsbury WF13 1RY

- 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 Hamzah Chaudhary against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/92623/E, dated 29 July 2022, was refused by notice dated 28 October 2022.
 - The development proposed is new double garage to front, single storey rear extension, loft conversion inclusive of dormers to front and rear and internal remodel.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues of this appeal have flowed from the Council's concerns. In addition, following my visit and consideration of an interested party's representations, I have also included the effect of the proposal on the living conditions of neighbouring occupiers. The parties were given the opportunity to comment on this matter during the appeal process, and I have taken into account the response received from the appellant.
3. The main issues are therefore, the effect of the proposed development upon i) the character and appearance of the area, ii) the living conditions of the occupants of 198 Crackenedge Lane, with particular regard to privacy, outlook, sunlight and daylight, and iii) highway safety, with particular regard to parking provision and bin storage.

Reasons

Character and Appearance

4. The appeal site comprises a semi-detached Victorian dwelling elevated above Crackenedge Lane on an escarpment above the Batley Carr valley. Neighbouring dwellings consist of a mixture of detached, semi-detached and terraced properties with dual pitched roofs. Those immediately adjoining the appeal site are finished in similar exterior materials and are consistently set behind front gardens delineated by stone walls and hedgerows. These features along with the lack of development on the opposite side of Crackenedge Lane and views to the facing hillside, result in a pleasant spacious character to the street scene.

Dormer Windows

5. The House Extensions and Alterations SPD 2021 (SPD) advises that the design of dormer windows should reflect the character of the area, the surrounding buildings and the age, appearance and materials of the existing house. It goes

- on to advise that dormers should be located to the rear of a house and should be as small as possible with a substantial area of the original roof retained.
6. The proposed dormer windows would largely obscure the original roof slope, despite being marginally set in from the edges of the roof. Owing to their size and form the proposed dormer windows would appear top-heavy, with the scale of the existing chimney stack dwarfed. The flat roof form would also be at odds with that of the appeal property and the general uniformity of pitched roofscapes within the street scene. The proposed windows in the front dormer despite being smaller, would nonetheless fail to reflect the clear vertical alignment of fenestration within the front elevation of the property.
 7. I acknowledge that the dormer windows have been designed as a pair and in materials complimentary to the host dwelling. Whilst both the front and rear dormer windows would not comply with the guidance set out in the SPD, only the front dormer would be visible from within the street scene. Given the prominent elevated position of the host dwelling, it would also be visible in middle distance views for example, from Upper Street on the opposite side of the valley. In contrast, the rear dormer would not be visible from any public vantage point, given the steeply rising land at the rear.
 8. Consequently, the scale, form and detailed design of the proposed front dormer would result in an incongruous addition that would detract from the character and appearance of the area. It would further unbalance the symmetrical appearance of the pair of semi-detached properties the host dwelling belongs to.
 9. Whilst dormer windows are present within the street scene of Crackenedge Lane, they are by no means prevalent. Rather, they are an infrequent feature with existing roofscapes overwhelmingly plain and uninterrupted. Some dormer windows belong to more modern house types that have formed later additions to the street scene.
 10. I acknowledge that the end properties of a terrace to the north-east of the appeal site each have a flat roofed dormer window to the front. The Council advise that these dormers were approved or built prior to the adoption of the SPD. These existing dormer windows do not constitute an example of sympathetic development, given that their large scale and contrasting materials dominate the appearance of the properties and the wider terrace. The presence of unsympathetic development nearby does not justify permitting new development that fails to take into account the specific context of the appeal site, or the advice within the SPD which is a material consideration.

Garage

11. The SPD advises that extensions to dwellings should not dominate and should reflect the style, shape and architectural features of the existing house. It advises that extensions should be set back behind the existing building line.
12. The existing front boundary wall and hedge would be removed, and the raised front garden would be excavated to accommodate a double garage at street level. Given that it would project forward of the front elevation, the proposed garage would not be read as a cellar type structure below the existing dwelling.
13. Due to its size and form the proposed garage would have a squat appearance with horizontal proportions that would not relate visually to the refined, vertical proportions of the host dwelling. Its forward projection close to the boundary of Crackenedge Lane and encroachment on the walled access to the side would

emphasise its scale, such that it would appear as a discordant addition to the host dwelling, as well as harming the spacious character of the street scene.

14. It is suggested that the proposed garage is similar in design to others found within Crackenedge Lane. The dwellings to the north-east of the appeal site are modern and were purpose built with a garage at ground level. Even then, the garages do not appear dominant as they do not protrude forward of the front elevation to a significant degree and are set back from the edge of the road behind a car parking courtyard.
15. Figure 6 of the appellant's statement shows garages to the front of the terraced properties to the south of the appeal site. The details of how and when these garages came into being, including whether they benefit from planning permission, are not before me. However, being single garages they are of a smaller scale than the proposal before me. Both the garages and the houses they belong to are also set further back from the edge of the lane. The examples shown are not therefore comparable to the scheme before me.

Single Storey Rear Extension

16. The proposed single storey rear extension due to its size and scale would be a subordinate addition to the original property. Contained by the host dwelling and the rising land to the rear, it would not be visible from any public vantage point. Hence, the character and appearance of the area would not be adversely affected.

Conclusion – Character and Appearance

17. The positions of the proposed rear dormer window and single-storey rear extension would prevent any adverse effect on the character and appearance of the area. However, I have found that the front dormer window and garage would have a harmful effect. As such, they would conflict with Policy LP24 of the Kirklees Local Plan 2019 (KLP) which seeks to ensure proposals promote good design by ensuring the form, scale, layout and details of development respects and enhances the character of the existing building and wider townscape. They would also conflict with the guidance within the SPD as outlined above and paragraph 130 of the National Planning Policy Framework (the Framework) which requires developments to be of a high-quality design and sympathetic to local character.

Living Conditions

Dormer Windows

18. The proposed dormer windows would provide a view towards the front and rear of the host property, above the existing front and rear elevations. Therefore, they would not enable direct overlooking of windows within No 198 Crackenedge Lane. Nor would they enable any further overlooking of neighbouring land to any greater degree than is already possible from first floor level within the host dwelling, even with a proposed Juliet balcony to the rear dormer. Neither of the dormer windows would affect the amount of daylight or sunlight received by the habitable rooms of No 198.

Single-Storey Rear Extension

19. The proposed single-storey rear extension would abut and rise above the boundary with No 198 which contains a ground floor window within the rear elevation. This boundary is formed by a low wall with a partial fence atop. The Council consider the adjacent window to serve a non-habitable kitchen but it is

not clear why this assessment was made. Kitchens no matter their size, are rooms where it is possible for occupants to spend extended periods of time for the purposes of cooking, washing and eating. Therefore, the availability of natural daylight as well as sunlight is an important consideration.

20. The Council further suggests that due to the 'dug in' nature of the property, with land to the rear rising steeply, that the kitchen window of No 198 already receives little light and as such, it would be unaffected by the proposed single-storey rear extension. However, the land to the rear does not rise immediately and both the appeal property and No 198 have reasonably sized yard areas that allow natural light to penetrate to the rear ground floor windows.
21. My visit was made on a bright and sunny winter morning. I observed that the nearest rear ground floor window of No 198 to the boundary with the appeal site, was receiving some direct sunlight. Given the proximity of the proposed extension, its height above the existing boundary treatment and its position to the south of No 198, it has the potential to affect the sunlight afforded to this adjacent window. As it would partially enclose the window along one side, it may also affect ambient daylight. In the absence of any substantive evidence to the contrary, for example the provision of a daylight and sunlight assessment, I cannot be certain that the amount of daylight and sunlight received by the window would not be reduced to an unacceptable degree.

Garage

22. The proposed garage whilst large and positioned to the south of No 198, would nonetheless be set below ground floor cill height. For this reason, it would not affect the outlook from the ground floor window in the front elevation of No 198, nor the amount of daylight or sunlight it currently receives.

Conclusion – Living Conditions

23. I find in the absence of any evidence to the contrary that the proposed single-storey rear extension would be harmful to the living conditions of the occupiers of No 198, in terms of sunlight and daylight. Consequently, conflict is found with Policy LP24 of the KLP which seeks to provide a high standard of amenity for future and neighbouring occupiers. It would also fail to comply with paragraph 130 of the Framework, which requires new development to have a high standard of amenity for existing users.
24. The proposed dormer windows due to their size and position would not result in a loss of privacy to the occupants of No 198, over and above the existing situation. Likewise, the proposed front garage would not have an adverse effect on the living conditions of the occupants of No 198 in terms of outlook, daylight or sunlight. In these respects, the dormer windows and front garage would be in conformity with Policy LP24 of the KLP.

Highway Safety

25. The Council advises that a 4 or 5 bedroomed dwelling requires the provision of 3 off-street car parking spaces. It considers these are currently provided for by a garage to the rear and tandem parking within the access to the side of the host dwelling. However, the Highway Design Guide SPD 2019 (Design Guide) states that the Council has not set local parking standards and that the suggested 3 off-street car parking spaces are an initial reference point.
26. At the time of my visit the garage referred to in the appeal documentation at the rear of the property, had been removed. The access is narrow and uphill

between 2 boundary walls and the flank elevations of the appeal dwelling and No 194 Crackenedge Lane. I saw that due to the limited area of hardstanding to the rear, although not impossible, it would be very difficult to turn a small car around, in order that it could leave in a forward gear. It would be more likely that a car would reverse down the drive and onto the street, its success being dependant on the size of the vehicle and the competence and confidence of the driver.

27. The appellant advises that when accessing the rear yard area, it resulted in damage to vehicles. Given the constraints of the access, it is probable that the existing occupants of the host dwelling and their visitors rely on the convenience and availability of on-street car parking to the front of the dwelling, rather than using the access for off-street parking. Even if I were to accept that the existing dwelling benefits from the 3 spaces suggested by the Council, the proposed garage extension due to the encroachment onto the access, would prevent it from being used from parking in the future.
28. The Design Guide advises that for a garage to be treated as a parking space the minimum internal dimensions should be 6m long by 5m wide. The submitted plans indicate that the proposed garage would meet this size requirement overall, but the circulation space to the rear is likely to be compromised by the presence of the proposed internal steps. Nevertheless, it would provide sufficient space for the parking of 2 standard sized vehicles. If I accept the Council's position that the existing dwelling benefits from 3 car parking spaces, the proposed development would result in the loss of one space.
29. On-street parking occurs along Crackenedge Lane and although a snapshot in time during the day when people might not be at home, there was a good availability of on-street parking. Although the adjacent terrace of 4 dwellings may rely on on-street car parking, a number of nearby dwellings are served by their own private off-road car parking areas or driveways. The proposed garage would reduce on-street parking provision through the requirement for access. However, the loss would be limited. In the absence of any substantive evidence to the contrary, I find that the potential displacement of parking from the appeal site onto the street, would not cause safety issues or disruption of traffic flow on Crackenedge Lane. I also observed bus stops within the vicinity of the appeal site indicating that occupants of the host dwelling have the option of a means of transport, other than the private car.
30. I accept that the manoeuvring of cars into the proposed garage may cause a minor disruption to traffic flow along Crackenedge Lane. However, this would be no worse than cars accessing the existing access and potentially better, given that the garage would not be as constrained. I am mindful that the Design Guide provides a point of reference rather than minimum standards for car parking, and that the proposal improves the accessibility and provision of on-plot car parking for the host dwelling.
31. The proposed bin storage area is not satisfactory in terms of accessibility given that it would be located up a flight of steps. However, as there is sufficient external space within the plot to accommodate such provision, this matter could be dealt with by condition were I minded to allow the appeal.
32. Notwithstanding the lack of compliance with the Design Guide, for the above site specific reasons, the proposed development would not be harmful to highway safety, with particular regard to car parking. The proposal would

therefore comply with Policies LP21 and LP22 of the KLP which amongst other things seek to ensure an appropriate level of car parking and the safe and efficient flow of traffic on the surrounding highway network.

Other Matters

33. Suggestion is made that the existing boundary walls could be removed without planning permission. Whether or not this is the case, their removal would only be necessary to accommodate the proposed garage. As they provide retention for the land behind, their removal is unlikely without further engineering operations to excavate the land. I find that this would not be a fallback position with a reasonable prospect of being carried out. Even if it was, the degree of harm from the removal of the walls would be less than that which would arise from the erection of the garage proposed.
34. The appellant has requested that consideration be given to issuing a split decision. Given my findings in respect of the proposed front dormer, garage and single-storey rear extension, the only aspect of the proposal I could consider for a split decision would be the rear dormer window. However, both the front and rear dormers would be connected to the proposed loft conversion. As it has not been demonstrated that the loft conversion can functionally proceed as proposed without both elements, I am on this occasion, unable to issue a split decision.
35. As I am dismissing the appeal, the proposal would not infringe the rights of the occupants of No 198 under Article 8 of the European Convention on Human Rights, as incorporated into the Human Rights Act 1998, which relates to the respect for private and family life.

Conclusion

36. I have found that the proposed rear dormer and single storey extension would not be harmful to the character and appearance of the area, and the proposed garage would not be harmful in terms of highway safety or the living conditions of neighbouring occupiers. However, this lack of harm is neutral in the planning balance. It does not therefore outweigh my findings in respect of the effect of the proposed front dormer and garage in relation to the character and appearance of the area, and the single storey rear extension in respect of the living conditions of the occupants of No 198 with regard to sunlight and daylight. For the reasons given above, having considered the development plan as a whole, and all other considerations, the appeal is dismissed.

M Clowes

INSPECTOR