



Appeal Decision

Site visit made on 28 March 2023

by K Winnard LL.B Hons

an Inspector appointed by the Secretary of State

Decision date: 18 April 2023

Appeal Ref: APP/Z4718/D/23/3314747

79 Celandine Avenue Salendine Nook Huddersfield HD3 3UU

- 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 Dan Garside against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/93331/W, dated 7 October 2022, was refused by notice dated 10 January 2023.
 - The development proposed is the demolition of the existing garage and the erection of a two storey side and single storey rear extension, with the formation of additional parking to the front.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of the existing garage and the erection of a two storey side and single storey extension with the formation of additional parking to the front at 79 Celandine Avenue Salendine Nook Huddersfield HD3 3UU in accordance with the terms of the application, Ref 2022/62/93331/W, dated 7 October 2022, and the plans submitted with it, 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: Location Plan 2347-D-2-001 Existing and Proposed Site Plans 2347-D-20-002 Rev A Proposed Ground Floor and First Floor Plan 2347-D-20—004 Rev A and Proposed Elevations 2347-D-20-006.
 - 3) The materials to be used in construction of the external surfaces hereby permitted shall match those used in the existing building.

Procedural Matters

2. The Council's reason for refusal expressly refers to the proposed rear extension. However I note that the Council expresses concern within the officer report as to aspects of the whole development. As the two storey side and rear extension are not severable elements and form one structure I shall consider the development as a whole.
3. I note that revised plans were submitted to the Council which amended elements of the proposal. My decision is based on the amended plans.

Main Issue

4. The main issue in this appeal is the effect of the development on the character and appearance of the host dwelling and the area.

Reasons

5. The appeal property, No 79 Celandine Avenue (No 79) comprises one of a pair of semi-detached properties sited at the beginning of a row of similarly designed semi-detached properties, progressively set back on the southern side of Celandine Avenue. The side boundary of No 79 abuts the rear gardens of properties to the north west on Raw Nook Road. As the dwelling is set at an angle to this boundary it is wider to the rear and tapers to the front of the dwelling, resulting in an irregular shaped plot. There is a substantial open field to the rear of the property on the south west side.
6. Amongst other things, Policy LP24 of the Kirklees Local Plan (LP) requires new development to be of good design and that extensions should be subservient to the original building and in keeping with its scale, materials and details. The Council's House Extensions and Alterations Supplementary Planning Document (SPD) replicates this, setting out in its Key Design Principles 1 and 2 general guidelines in relation to the design of extensions.
7. The proposal would represent substantial additions to the host dwelling. However, it would be of good design and would take into account the constraints of the irregular shaped plot. The two storey side extension would be set back from the front of the appeal property and tapered. In addition, its positioning at almost 90° to and some distance from the properties located to the west on Raw Nook Road would ensure sufficient spacing would remain and would avoid any terracing effect. The proposed side extension would project beyond the rear of the existing house but in the context of the size and alignment of the rear and side garden would not be out of proportion. Detailing, proportions and materials would all be in keeping with the existing dwelling. These features would ensure compliance with the guidelines contained within the SPD.
8. The side extension would have a ridge line lower than the main dwelling. As such it would be seen as a continuation of the existing design and would not be at odds with the balance of this elevations. Being set back from the front elevation and below the existing ridge line, the proposed side extension would therefore be subservient to the existing dwelling. As such, in limited views from the street it would not appear disproportionate and discordant. Consequently, it would not cause unacceptable harm to the character and appearance of the host dwelling and the area.
9. The Council specifically refers to a complex roof design to the rear elevation where the rear projection of the side extension would introduce a gable end with associated roof set down from the main roof and a mono pitched roof over the single storey element. However no significant visual disharmony would result due to No 79's location at the beginning of the row of dwellings and the associated wider side garden. The rear element of the side extension and the single storey rear extension would not be visible in views from Celandine Avenue. Whilst they would be visible in views from the field to the south west, I do not consider that they would result in such a level of visual harm as to result

in an unacceptable impact on the character and appearance of the rear of the property and the wider area.

10. Accordingly the proposal would not cause unacceptable harm to the character and appearance of the host dwelling and the area. As such I find no conflict with Policy LP24 of the LP or the guidelines contained within the SPD, details of which I have given above. The proposal would also accord with the National Planning Policy Framework which seeks to promote development sympathetic to local character.

Other Matter

11. I note that the Council raises no concern with regard to the amenity of the occupiers of neighbouring properties and I would agree with this assessment.

Conditions and Conclusion

12. In addition to the standard time condition, I have specified the approved plans as this provides certainty. I have also included a condition in relation to materials in order to provide a satisfactory appearance. Subject to these conditions and having regard to all matters raised, the appeal is allowed as set out in the formal decision notice above.

K Winnard

INSPECTOR