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# 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**

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**Appeal Ref: APP/A4710/D/23/3314271**  
**13 Vine Close Clifton Brighthouse HD6 4JS**

- 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 Neville Greenwood against the decision of Calderdale Metropolitan Borough Council.
  - The application Ref 22/00585/HSE, dated 26 July 2022, was refused by notice dated 14 December 2022.
  - The development proposed is alterations to dwelling to create second floor including a raised pitched roof with traditional dormer windows to front and rear.
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## Decision

1. The appeal is dismissed.

## Procedural Matters

2. The Council amended the description of the development and I note that this description has been used on the appeal form. I have used the Council's description as this provides a more accurate description of the development.
3. The Council adopted the Calderdale Local Plan (CLP) on the 22 March 2023. As a result the policies that are cited in the reasons for refusal on the Council's decision notice have been superseded by policies within the CLP. The appellant has had the opportunity to comment upon their relevance and accordingly no parties have been prejudiced. I must determine the appeal on the basis of the current Development Plan.

## Main Issues

4. The main issues in this appeal are the effect of the development on (i) the character and appearance of the host dwelling and the area and (ii) the living conditions on the occupiers of the adjacent neighbouring property with regard to outlook.

## Reasons

### *Character and Appearance*

5. The appeal property, 13 Vine Close (No 13) is a detached property sited in a prominent location at the end of a cul-de-sac of other detached properties. The dwellings at the end of the cul-de-sac step down from north to south following the slope of the land. The split level design of No 13 and the set down nature of the rooflines of Nos 13 and its neighbouring property, No 16 Vine

Close provide a degree of visual uniformity at the end of the cul-de-sac which adds positively to the character and appearance of the area.

6. The proposed extension would add a further storey over the lower part of the dwelling and would extend from the existing highest ridge point to the gable of an extended side elevation. The raising of the roof line, and resulting continuous ridgeline, to accommodate an additional floor would not be subservient in scale to the existing dwelling and would result in the loss of the set down form of the dwellings seen at this end of the cul-de-sac. Owing to its prominent width and height the proposed extension would appear unduly dominant in the street scene detracting from the distinctive character and appearance of the host dwelling and the area.
7. I appreciate that the proposed extension has been designed to make usable habitable space. However, this in itself does not justify development which would otherwise be unacceptable. The appellant has drawn my attention to other developments within the vicinity where developments of 3 storey houses have been built next to a 2 storey house. Whilst I observed these developments on my site visit, I am not aware of the full circumstances surrounding them. However, the two storey houses in the examples given form part of a line of development where the differing road levels and pattern of development along the roads ensures that both the 2 and 3 storey dwellings have assimilated well into the respective street scenes of these developments. Accordingly, I do not find these developments directly comparable to the case before me and they only merit limited weight. In any event each case must be considered on its individual merits.
8. Accordingly the proposal would cause unacceptable harm to the character and appearance of the host dwelling and the area. As such it would not accord with Policy BT1 of the CLP which requires design in new development to respect and enhance the character of existing buildings taking into account local context. It would also conflict with the National Planning Policy Framework (the Framework) which seeks to ensure that development is sympathetic to local character.

#### *Living Conditions*

9. No 16 Vine Close (No 16) is positioned such that its side elevation incorporating a double garage and a first floor dormer extension set back from the side elevation of the garage, faces the side elevation of No 13. There is a large first floor window in this elevation serving a habitable room. There would be an increase in the massing of the side elevation of No 13 when viewed from this habitable room at No 16. This would not in my mind be unacceptably overbearing. The dwellings are separated from the common boundary by a wide path and garage in the case of No 16 and a path at the side of No 13. The set back of the dormer extension would also ensure a satisfactory separation distance from the side elevation of the proposed extension. Accordingly, the proposed extension would not have an unacceptable overbearing and domineering effect on the amenities of the occupiers of No 16.
10. On this issue then the proposal would not be in conflict with Policy BT2 of the CLP which requires development proposals including extensions not to result in a significant adverse impact on the private amenity space of adjacent residents. It would also not conflict with the Framework which seeks to ensure a good standard of amenity for all occupiers of land and buildings.

**Other Matter**

11. I note the concerns of the appellant to the Council's handling of the application but this is not a matter before me nor does it alter my findings.

**Conclusion**

12. In conclusion, I have found that the proposal would not cause unacceptable harm to the living conditions of the occupiers of the neighbouring dwelling. However it would cause unacceptable harm to the character and appearance of the host property and the area. Accordingly, I dismiss the appeal.

*K Winnard*

INSPECTOR