



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/23/3314217
4 Rectory Drive Birstall Batley WF17 0PL

- 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 Victoria Kaye against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/91996/E, dated 10 June 2022, was refused by notice dated 18 October 2022.
 - The development proposed is the demolition of the existing garage and conservatory and erection of single storey rear and side extensions, existing house to be rendered white with external timber fence and raised decking.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The Council amended the description of the development. I have used this description in the banner heading above as this provides a more accurate description of the development.
3. I note that revised plans were submitted to the Council which amended the height of the proposed side extension, incorporated a set back from the front of the property and amended the colour of the proposed render. My decision is based on the amended plans.
4. The development, the subject of the appeal, consists of a number of elements. The Council has indicated that it has no objections to the rear extension, raised decking and application of render. Accordingly I shall direct my assessment to the single storey side extension element of the proposal.

Main Issues

5. 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

6. The appeal property, No 4 Rectory Drive, (No 4) is one of a pair of semi detached properties located in a residential area. The street has a generally consistent character of semi-detached dwellings set back from the road behind front gardens/paved areas. As a result of the road rising in an easterly direction, No 4 is sited at a higher level than its neighbouring non attached property, No 6 Rectory Drive (No 6).
7. The proposed extension would be single storey with a lean to roof and would be set back from the front elevation. Notwithstanding that these features would achieve some subservience to No 4, the length and height of the proposed extension would appear unduly prominent and disproportionate to the existing building. As such it would not comply with the overall design aims contained in the Council's House Alterations and Extensions Supplementary Planning Document (SPD) which recommends that extensions should be in keeping with the existing building in terms of scale, materials and details.
8. Due to the difference in levels of the properties in this location, the length and bulk of the proposed extension would be particularly visible and prominent in views from an easterly direction along Rectory Drive. I appreciate that the existing garage would be removed as part of the proposal and that the timber fence would be replaced and lowered, but at present these features do not unduly dominate views from Rectory Drive. This would not be the case with the proposed extension.
9. Accordingly I conclude that on this issue, the proposal would harm the character and appearance of the host dwelling and the area. As such it would be in conflict with Policy LP24 of the Kirklees Local Plan (KLP) which amongst other things 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. It would also conflict with the general guidelines in relation to the design of extensions as set out in the SPD, details of which I have given above. It would also not comply with the National Planning Policy Framework (the Framework) which requires development to take account of local character.

Living Conditions

10. The outlook at present from the side of No 6 is towards the boundary fence, rear garden and garage of No 4 with a relatively open aspect. The bulk, height and in particular the unduly long depth of the proposed extension close to the boundary fence and extending across a significant proportion of the length of the boundary would have an unacceptable overbearing and domineering effect for the occupiers of No 6. Due to the different land levels and overall height it would give rise to a sense of enclosure for the occupiers of No 6. Accordingly, the proposal would fail to safeguard the amenities of the occupiers of No 6.
11. I acknowledge that the existing garage, proposed to be demolished, already adds an element of bulk on the boundary. However the proposed extension would fill in the gap which currently exists, would be higher than the existing garage and would occupy a greater area closer to the dwelling. The appellant's agent refers to a number of other extensions where lengthy side extensions on the boundary have been accepted by the Council. However I do not know the full circumstances in which these extensions were accepted by the Council. From the photographs provided there appears to be no significant differences in land levels in these cases. Direct parallels are therefore not easy to draw. In

any event the existence of these developments does not justify development which would otherwise be harmful.

12. For the above reasons the proposal would result in unacceptable harm to the living conditions of the occupiers of No 6. It would therefore conflict with Policy LP24 of the KLP which amongst other things requires development to minimise the impact of extensions on residential amenity of future and neighbouring occupiers. It would also conflict with Key Principles 4 and 6 of the SPD which together provide that extensions should be designed so as not to unduly reduce outlook from a neighbouring property. It would also conflict with the Framework which seeks to ensure a good standard of amenity for all occupiers of land and buildings.

Other Matters

13. I understand the appellant's wish for increased ground floor accommodation. However such personal circumstances will seldom outweigh more general planning concerns and the wish to extend the property does not therefore outweigh my concerns on the main issues.
14. The Council has not objected to the rear extension element of the proposal in isolation but as this element is not physically or functionally severable, a split decision in this instance is not appropriate.

Conclusion

15. For the reasons given, and having regard to all other matters raised, I dismiss the appeal.

K Winnard

INSPECTOR