



Appeal Decision

Site visit made on 17 May 2023

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 20th June 2023

Appeal Ref: APP/Z4718/D/23/3317496

61 Tom Lane, Crosland Moor, Huddersfield HD4 5QQ

- 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 Romal Merzaie against the decision of Kirklees Council.
 - The application Ref 2022/62/93483/W, dated 24 October 2022, was refused by notice dated 18 January 2023.
 - The development proposed is erection of 2 storey side and rear extensions.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the banner heading above has been taken from the Council's decision notice as it is a more succinct and accurate description than the description provided in the planning application form.

Main Issues

3. The main issues in this case are the effect of the two-storey extension on the character and appearance of the host dwelling and streetscene; and the effect on the living conditions of the neighbours at No.1 Boothroyd Drive, with regards light and outlook.

Reasons

Character and appearance

4. No.61 Tom Lane (No.61) is a two-storey semi-detached dwelling facing the corner of Tom Lane and Boothroyd Drive. To the side, No.61 has an existing lean-to extension and it is proposed to replace this with a wrap around extension, projecting around 3.5m to the side from the existing flank elevation and beyond the rear elevation with a total depth of around 9.8m. It would further replace a raised patio area to the rear, extending the full width of this elevation, at a depth of around 3m.
5. The design of the two-storey extension meets the guidance at paragraph 5.22 of the Council's *House Extensions and Alterations Supplementary Planning Document (June 2021)* (SPD) in that it is set back 500mm from the front of the original dwelling and the ridgeline has been lowered. The offset from the ridgeline of 200mm is, however, very minimal and would not achieve the clear vertical break from the roof plane that the SPD envisages. By projecting

beyond the existing rear building line with a shallow gable to the flank elevation, the massing and scale of the extension would appear unduly prominent and excessive. It would all but consume the host dwelling and therefore conflicts with SPD Key Design Principle 2 that extensions should not dominate or be larger than the original house.

6. I observed on site that the levels fall north-west to south-east across the site, which means No.61 is at a higher level than its neighbour at No.59 Tom Lane (No.59). No.59 is a modest bungalow and combined with this level difference, and the orientation of No.61 facing the corner, the flank elevation is already prominent in the streetscene. The depth of the side to rear extension (a depth of nearly 10m) would unduly dominate the streetscene in a prominent position when viewed from the east, even in the context of the two-storey detached dwelling on the opposite side of Tom Lane and Boothroyd Drive. I find the orientation, which allows a full view of the flank, exacerbates rather than mitigates this impact.
7. From the west, there is a large evergreen tree in the front garden of No.61 which would screen part of the side extension (if retained). However, because of the minimal set down from the ridge and the change from a hipped to gable roof form, the extension would nonetheless appear visually jarring, unduly unbalancing the semi-detached pair. Consequently, it would fail to be in keeping with the appearance, scale and local character of the streetscene, contrary to Key Design Principle 1 of the SPD.
8. On the first main issue, I conclude that the proposed two-storey side and rear extension would cause harm to the character and appearance of the host dwelling and streetscene. It would therefore conflict with Policy LP24(a) of the Kirklees Local Plan (2019) (LP) and paragraph 130 of the National Planning Policy Framework (the Framework) which together require good design by ensuring that development is of a form and scale that is sympathetic to, or respects, the character of an area. It would further conflict with LP LP24(c) because it fails to be subservient to the original building.

Living conditions

9. The proposed two-storey extension would project around 3m from the rear of No.61 and its attached neighbour at No.1 Boothroyd Drive (No.1). The extension would be the full width of the rear elevation of No.61 right up to the common boundary with its neighbour.
10. The guidance at SPD Key Design Principle 5 is that extensions should not adversely affect the amount of natural light presently enjoyed by a neighbouring property. It further advises that the extent to which the extension infringes on a 45 degree angle drawn from the mid-point of the nearest habitable room window of the adjacent property indicates the levels of light that may be lost. No plans have been provided showing the 45 degree angle, but it was clear on my site visit that there would be an infringement on the nearest opening on the rear elevation of No.1. At ground floor of No.1, the only opening is a glazed door which appeared to be serving a habitable room. Whilst I note the extension would be to the north-east of No.1, there would nevertheless be some loss of light and the appellant's own evidence accepts overshadowing would occur in the early morning. This is a time of day when the neighbours could reasonably expect to enjoy their garden.

11. Further, the proposal would conflict with Key Design Principle 6 of the SPD that extensions should not unduly reduce outlook. The combination of the depth and height of the two-storey extension, sited right on the common boundary, means it would appear overbearing from the principal windows of No.1, at both ground and first floor, and it would significantly enclose the modest garden.
12. I therefore conclude on the second main issue that the loss of light and outlook would cause harm to the living conditions of the neighbours at No.1 Boothroyd Drive. Consequently, in addition to the conflict with the SPD guidance identified, the proposed extension would conflict with LP Policy LP24(b) and paragraph 130 of the Framework which require developments to create places with a high standard of amenity for existing and future occupiers.

Conclusions

13. For the reasons given above, I conclude that the appeal should be dismissed.

R. Jones

INSPECTOR