



Appeal Decision

Site visit made on 24 May 2023

by L Hughes BA (Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21 July 2023

Appeal Ref: APP/Z4718/W/23/3314037

36 Calder Close, Lower Hopton, Mirfield WF14 8JG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
 - The appeal is made by Mrs Daisy Rounding against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/93105/E, dated 16 September 2022, was approved on 30 November 2022 and planning permission was granted subject to conditions.
 - The development permitted is the erection of single storey rear extension.
 - The condition in dispute is No. 2 which states that: *"The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice, except as may be specified in the conditions attached to this permission, which shall in all cases take precedence: Location Plan EX001 REV A; Existing Plans and Elevations EX002 REV A; Proposed Plans and Elevations (20)001 REV A."*
 - The reason given for the condition is: *"For the avoidance of doubt as to what is being permitted and so as to ensure the satisfactory appearance of the development on completion, and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD and the aims of the National Planning Policy Framework."*
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The erection of a 2 storey side and rear extension was refused in June 2022¹. A subsequent application for a 2 storey side and single storey rear extension² included a 2 storey element very similar to that previously refused. During the life of the application the main parties agreed a revised description and plans, with permission granted only for the erection of a single storey rear extension.
3. Condition 2 of this permission identifies the approved plans, with the appeal proposing a different set of plans under Condition 2. These would revert the scheme back to that originally submitted, in effect retaining the single storey extension and adding a 2 storey extension. If allowing the appeal, I would thus be required to amend the description of development to reflect this.
4. While the approved plans and the decision notice identify the approved extension at the rear of the dwelling, this is actually a side elevation. The main parties agree that its principal and front elevation contains the front door facing onto Calder Close.

¹ Reference 2022/62/91332/E

² Reference 2022/62/93105/E being the subject of this appeal.

Main Issue

5. The main issue is the effect of the proposed amendment to condition 2 on the character and appearance of the host dwelling and the streetscene.

Reasons

6. The appeal property is a newly built 2 storey semi-detached house, on a corner plot on the main route through a wider housing development under construction. As such, it has a prominent position. The overall character is of a new relatively dense suburban estate, not yet benefitting from mature vegetation but with an overall cohesive aesthetic and wide sky views.
7. While the 2 storey front extension would be in matching materials to its host, its ridgeline would not be dropped down from the main extent of ridgeline. The resulting massing would thus be substantial and insufficiently subservient such that it would over-dominate its original form. This is not the case with the other nearby examples of 2 storey front gables.
8. Furthermore, the dwelling directly opposite is in near mirror image, with the same mirror effect for the adjacent pair of dwellings further into the cul-de-sac. Cumulatively they form a harmonious and balanced entranceway. While there is no cohesive building line for the whole cul-de-sac, the 2 sides therefore do have matching opposing building lines and a sense of openness. The proposal would clearly distort this both on entering and exiting the street, as well as in views from Calder View. The mix of house types and building lines across the development would not mitigate the proposal's impact in this location.
9. The House Extensions and Alteration Supplementary Planning Document (HEA SPD) (2021) refers to front extensions at paragraph 5.2, stating that large extensions are likely to appear particularly intrusive and highly prominent in the street scene and so will not normally be acceptable. Cited exceptions within the HEA SPD would not apply to the proposal, reinforcing my findings above, because the house is not set well back from the pavement or well screened, the extension would not be small, and it would not be subservient to the original building.
10. Therefore, the proposed amendment to condition 2 would result in harm to the character and appearance of the host dwelling and the streetscene. This would be contrary to Policy LP24 of the Kirklees Local Plan (2019), Key Design Principle 1 and 2 of the HEA SPD, and the National Planning Policy Framework (2021) Chapter 12. Together these seek good design which is sympathetic to the surrounding built environment, and for extensions to be subservient and in keeping with the appearance, scale, and design of the street scene and the existing building. Condition 2 is therefore necessary in its current form.

Other Matters

11. While I acknowledge the appellant's desire for further living accommodation better suited to their needs, the proposal would provide only a private benefit. I therefore give this only very limited weight.
12. My assessment of the effect on character and appearance is based on the specific site circumstances and context of the proposal as outlined above. The appellant's suggestion of a similar permission outside of the immediate area has therefore had no direct bearing on my decision.

Conclusion

13. The scheme conflicts with the development plan as a whole. With no other material considerations indicating otherwise, for the reasons given above, I conclude that the appeal is dismissed.

L Hughes

INSPECTOR