



## Appeal Decision

Site visit made on 18 July 2023

**by A Veevers BA(Hons) DipBCon MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 3 August 2023**

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**Appeal Ref: APP/Z4718/D/23/3316235**

**7 Hall Drive, Norristhorpe, Liversedge WF15 7AH**

- 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 Imran Liaqat against the decision of Kirklees Council.
  - The application Ref 2022/62/93050/E, dated 14 September 2022, was refused by notice dated 21 November 2022.
  - The development proposed is first floor side and rear extension with single storey front extension.
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### Decision

1. The appeal is dismissed.

### Preliminary Matters

2. I have taken the description of development from the application form. Although different to that on the decision notice, no confirmation that a change was agreed has been provided.

### Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of Nos. 5 and 9 Hall Drive, with particular regard to outlook.

### Reasons

4. The appeal site is a two storey detached dwelling. Due to the sloping nature of the locality, the neighbouring dwelling at No. 5 Hall Drive (No.5) sits on slightly lower land than the appeal site and the other neighbouring dwelling at No. 9 Hall Drive (No.9) sits on higher land.
5. Key design principle 6 of the House Extensions and Alterations Supplementary Planning Document June 2021 (SPD) states that extensions and alterations should not unduly reduce the outlook from a neighbouring property.
6. The proposed first floor rear extension would sit above the host dwelling's existing single storey extension. The eaves height of the existing asymmetrical roof on the western side of the appeal property would be raised to create a two storey flank wall close to the boundary with No.9. At my site visit I observed that two first floor windows on an existing extension at the rear of No.9 currently face the sloping roof of the appeal site, which also includes a dormer. However, as these windows are obscure glazed and due to the set-back from the proposed extension, I find there would be no harm with regard to outlook for occupiers of these rooms.

7. There is also a rear facing first floor window at No.9 close to the shared boundary with the appeal site. The proposed first floor rear extension would not extend beyond the existing rear building line of the appeal property, which is set back slightly from No.9 and there would be a modest gap between the proposal and this window. Although the flank wall of the proposed extension would be clearly visible to occupants of this room, due to the elevated position of No.9 in comparison to the appeal site and the hipped design of the proposed roof, occupiers of this room would continue to enjoy an appreciable degree of outlook. As such, the proposal would not harm the living conditions of the occupiers at No.9 with particular regard to outlook.
8. However, at No.5, there are two windows in an existing dormer on the eastern side of this dwelling that face the side elevation of the appeal property. One window faces the existing two storey flank wall of the appeal property. The other window would directly face the proposed first floor extension at extremely close distance. The occupants of No.5 would be faced with a blank, brick elevation in close proximity to this dormer, which would restrict the existing outlook from both windows and be imposing and oppressive. Although the roof of the proposed extension would be hipped in design, due to its elevated position in relation to No.5, it would present a sizeable and overbearing structure that would result in harm to the outlook from this neighbour's windows.
9. Therefore, whilst I find no harm to the living conditions of the occupiers of No.9, I find that the proposal fails to provide acceptable living conditions for the occupiers of No.5, with particular regard to outlook. Accordingly, the proposed development conflicts with Policy LP24 of the Kirklees Local Plan 2019, the SPD and the National Planning Policy Framework 2021, which all seek, amongst other matters, good design that ensures a high standard of amenity for neighbouring occupiers.

### **Other Matters**

10. There is no evidence before me that indicates the appeal site is located within or close to a designated heritage asset and I note the Council did not raise a concern regarding the effect of the proposal on the character and appearance of the area. From the information before me and my observations on site I have no reason to disagree.
11. Reference is made by the appellant to Policy DS3 of a Core Strategy Development Plan. However, I am not aware of a Core Strategy forming part of the development plan for Kirklees Council.
12. I have had regard to matters raised by a neighbouring resident, including overlooking and parking. However, given my conclusions on the main issue and that the appeal is dismissed, there is no need for me to address these in further detail.

### **Conclusion**

13. For the reasons given above, having considered the development plan as a whole, and all other material considerations, I conclude that the appeal should be dismissed.

*A Veevers*      INSPECTOR