

Appeal Decision

Site visit made on 19 July 2023

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 10th August 2023

Appeal Ref: APP/Z4718/D/23/3323211

20 Fieldhead Crescent, Birstall, Batley WF17 9BP

- 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 Matthew Harrison against the decision of Kirklees Council.
 - The application Ref 2023/62/90655/E, dated 27 February 2023, was refused by notice dated 3 May 2023.
 - The development proposed is a single storey extension to rear and side.
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Decision

1. The appeal is allowed and planning permission is granted for a single storey extension to rear and side at 20 Fieldhead Crescent, Birstall, Batley in accordance with the terms of the application, Ref 2023/62/90655/E, dated 27 February 2023, subject to the following conditions:
 - 1) The development hereby permitted shall be begun before the expiration of three years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: PL01 and PL02.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on the living conditions of the residents of 18 Fieldhead Crescent with regard to outlook.

Reasons

3. The existing dwelling already has a lean-to side extension which is visible from the off shoot to Fieldhead Crescent which serves four dwellings and also becomes the service access to the council's children's centre beyond. This section of road also provide access to a footpath which heads off to the north. The element of the extension that would adjoin the side boundary would follow the form of the existing extension and would be set behind the thick hedge and trees within the roadside verge. The side boundary currently has a high timber fence towards the rear.
 4. Although a corner plot, the rear section of this property's garden is not at all prominent in views, given the nature of the road and the adjoining vegetation.
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The element of the new extension, along the boundary, would be only marginally higher than the existing timber fence and would be obscured from most views by the trees and hedge that are outside the site. The existing side extension would remain the most prominent element of what would be a combined single storey wrap-around addition. The existing lean-to is set back from the frontage and although not of a high quality with regard to roofing materials, represents a normal and unobtrusive adjunct to such a property. The continuation of the form of this extension along the boundary would not result in any harm to the appearance of this site. Terracotta tiles are proposed for the roof which would be the only part of the addition clearly visible over the adjoining hedge. If the rear part of the fence is to be removed, it is proposed that the new walls be rendered which would improve on the current appearance of the fence, although this would not be particularly evident in views.

5. The very upper section of the rear gable of the new extension would be visible over the high fence when leaving the council's children's centre along the service access. However, this would not be materially higher than the lean-to conservatory that it would replace. The conservatory is not clearly visible at present and the same would be the case for this new addition. The new gable end and pitched side facing roof would not be out of keeping to the rear of this property and would have a very limited wider impact in any event. Overall, the proposal has been carefully designed to ensure that it has a low height and matches the form of the existing side addition. It would not detract from the character or appearance of the area.
6. With regard to the impact on the residents of 18 Fieldhead Crescent, it would replace the existing conservatory which sits close to the high boundary fence. The proposed eaves of the new extension would run along this boundary but would be of a lower height than the lean-to conservatory, even at its current lowest eaves height to the rear. For the depth of the existing conservatory along the boundary, the proposal would be lower and less imposing. Any light spill from the conservatory windows, above the dividing fence, would be eliminated. The low pitch away from the boundary would ensure that the highest part of the new extension would be a significant distance away. The new extension would also move any outdoor activity, within the appeal site garden, further from the rear accommodation of the neighbouring house. However, the extension would double the depth of works close to the boundary. The height of the proposed eaves would be 2.113m and would extend 6m along the boundary. There would be an element of the extension above the height of the dividing fence, at a not dissimilar height to the existing conservatory eaves, for its full depth.
7. The extra depth of development close to the boundary would result in greater enclosure of the neighbouring garden although it would result in a marginal improvement within the first three metres of depth compared to the existing conservatory. The structure would be directly north of the neighbouring garden and as such it would not have any impact on light or shade. The outlook from both these gardens is constrained to a large extent by the trees along the rear boundaries. Given these particular circumstances and the very low level of the proposed eaves, the living conditions of the neighbouring residents would not be materially harmed as a result of this very limited increase in the enclosure

of their garden. The lack of any objection from the neighbouring residents, whilst not determinative, offers some support for this view.

8. The council make reference to policy LP24 of the Kirklees Local Plan 2019. The design has been carefully considered to match the existing lean-to and to reduce the impact of the proposal generally, including the proposed matching colour scheme. Although it would have a large footprint, this would be a single storey addition that would remain subservient to the size of this two storey dwelling. The very limited eaves height would ensure that it would not unacceptably harm the amenity of neighbouring residents whilst improving the amenity of the existing residents. For these reasons, there would be no conflict with this policy. As it generally accords with both the design and amenity requirements of the *National Planning Policy Framework*, I afford it full weight.
9. Reference has also been made to the council's supplementary planning document: House Extensions and Alterations 2021 (SPD), particularly key design principles 1, 2 and 6; and its detailed advice. The proposal would retain an adequate garden area; would not be generally visible or prominent in views from the street; would have a satisfactory appearance without being overly dominant; would use appropriate materials; and would not result in shading. It would have only a very limited impact on outlook for the neighbours. Whilst it would block access to the rear, this is already the case but access is shown to remain through the garage and the extension. It would have a very low eaves height as sought by the detailed advice. Overall, the design has adequately taken the SPD into account.
10. In conclusion, the proposal would be of a suitable design and materials and would not result in harm to the living conditions of neighbouring residents with regard to outlook. As there are no other matters that weigh significantly against the proposal, I allow the appeal.
11. I have imposed conditions relating to the commencement of development and the details of the approved plans for the avoidance of doubt and in the interests of proper planning. The plans set out the details of the materials to be used so a further condition in this regard is unnecessary.

Peter Eggleton

INSPECTOR