



Appeal Decision

Site visit made on 22 August 2023

by **P. D. Biggers** BSc Hons MRTPI

an Inspector appointed by the Secretary of State

Decision date: 14th September 2023

Appeal Ref: APP/Z4718/D/23/3325186

1 Hill Top Road, Salendine Nook, Huddersfield HD3 3SR.

- 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 Josh Graham against the decision of Kirklees Council.
 - The application 2023/62/90526/W, dated 10 February 2023, was refused by notice dated 7 June 2023.
 - The development proposed is second storey side extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are whether the proposed development would have an adverse impact on:
 - The present and future living conditions of the neighbouring occupants at No 10 Crosland Court in terms of proximity and loss of light; and
 - The character and appearance of the host dwelling and its surroundings.

Reasons

3. The appeal property sits on the east side of Hill Top Road and is one of a pair of semi-detached properties finished in stone and render with a tiled roof. The property has been extended to the side at ground level under a flat roof and accommodates a garage/store and utility room.
4. Adjacent to the appeal property to the north there is a single storey bungalow which is accessed from Crosland Court and which sits gable end on to Hill Top Road. Side windows face towards the appeal property and the proposed extension.
5. I have been referred to other extensions in the area which the appellant considers justifies the appeal proposal. However, from my observations on site, whilst the extensions at Nos 84 and 88 Hill Top Road are similar in design, the context and relationship to the adjacent properties are different. Similarly, the extension at No 63 Crosland Road is different in that it doesn't involve a flat roof and again the relationship to the neighbouring property is different. I am not therefore persuaded these examples are sufficiently similar to be relevant. I will therefore determine the appeal proposal on its own merits.

Living Conditions

6. The existing side extension to the appeal property is reportedly only 0.7 metres

from the side boundary with No 10 Crosland Court which itself is only approximately 2 metres from the boundary and has its main access to the front door along this side passageway.

7. The proposed extension would follow the same footprint as the existing single storey extension but the addition of the first floor, even with a flat roof, would place a significant additional mass very close to the glazed front door to No 10 and to the side kitchen window. Whilst it has been put to me that the side openings are not lighting habitable rooms, because the side elevation is the principal access to the property and will be used frequently throughout the day, I am persuaded that the additional height of the extension at these close quarters would be overbearing on No 10.
8. Moreover, as the appeal property is positioned south of No 10 the additional height of the first floor extension and its positioning would have an impact on sunlight. It has been put to me that the eastern part of No 10 enjoys an open southerly aspect and it is the hipped main roof of the appeal property that has the main impact on the western part of the house and that there would be no additional loss of sunlight as a result of the extension. However, at the time of my visit in mid-afternoon and envisaging the impact of the first floor extension, there is no doubt that sunlight would be lost to the side elevation of No 10 and its entranceway earlier in the afternoon as the sun swings round to the south west, particularly in the winter, as a result of the extension and its positioning.
9. Paragraph 130 of the *National Planning Policy Framework* (the Framework) requires developments to have a high standard of amenity for existing and future users. The proposal would fail in this regard for the above reasons. Policy LP24 of the *Kirklees Local Plan* (KLP) is consistent with the Framework in requiring at section b) that proposals should provide a high standard of amenity for future and neighbouring occupiers including maintaining appropriate distances between buildings amongst other things. The proposal would be overbearing and overshadowing on No 10 and therefore would fail to meet the Policy objective.

Character and Appearance

10. The appeal property and its semi-detached pair sit in a prominent position at the start of Hill Top Road. Because of the angles involved, virtually the whole of the side extension with its narrow hipped ridged roof on the frontage and flat roof to the rear would be visible. This roof arrangement would appear incongruous and out of keeping with the prevailing hipped or gabled form in the area particularly viewed from Moor Hill Road and Crosland Court.
11. Although the extension would be subordinate to the original part of No 1 in terms of its scale and height, the development would unbalance the appearance of the semi-detached pair.
12. Moreover, the rendered finish proposed for the first floor extension would appear at odds with the existing as it would not follow through from the main house, with the stone work on the extension extending higher. Whilst it might have been possible to resolve this by condition the other problems with the design could not be resolved in this way.
13. The Framework at paragraph 130 requires that developments must be sympathetic to local character to create high quality buildings and spaces amongst other things and in these respects the proposal would fail. Policy LP24 of the KLP reflects the Framework in requiring that the form, scale, layout and details of all development respects and enhances townscape character. Particularly in respect of extensions

the Policy requires them to be subservient but also to be in keeping with the existing building in terms of scale, material and detail. The Council has published the *House Extensions and Alterations Supplementary Planning Document* (SPD) to guide small scale alterations to housing. The first key principle of the guidance is that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene and the second key principle is that the alteration should be in keeping with the existing building in terms of scale, materials and detail.

14. For the above reasons i.e. the positioning, design and finish of the proposed extension these policy objectives would not be met and it would have an unacceptable impact on the established character and appearance of the host pair and the surroundings of Hill Top and Moor Hill Roads.

Other Matters

15. I understand the appellant's wish to increase his available accommodation and thereby make sustainable and effective use of housing land an objective which is encouraged by the Framework in Section 11. However, paragraph 124 in the same section of the Framework states that this should not be at the expense of maintaining an area's prevailing character and setting. Sustainable and effective use of the dwelling to provide additional accommodation would not therefore outweigh the harm to the character and appearance and to the living conditions of the occupants at No 10 as a result of the proposal.
16. It has been brought to my attention that the neighbouring occupants at No 10 have not objected to the proposal. However, I must consider the impact on living conditions for both present and future occupants of No 10 and the fact that the present occupants have not objected does not lead me to change my conclusion that the proposal would be detrimental to the living conditions as set out above.

Conclusion

17. In reaching my decision I have had regard to the matters before me but for the reasons above the appeal should be dismissed.

P. D. Biggers

INSPECTOR