



Appeal Decision

Site visit made on 18 July 2023

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 11 October 2023

Appeal Ref: APP/Z4718/D/23/3318985

8 Cross Church Street, Paddock, Kirklees, Huddersfield HD1 4SN

- 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 Muhammad Zahid against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/94114/W, dated 10 January 2023, was refused by notice dated 7 March 2023.
 - The development is a single storey rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The development had already taken place at the time of my site visit. I have determined the appeal on the basis that planning permission is being sought retrospectively for the erection of the extension.

Main Issues

3. The main issues are the effect of the development on:
 - the character and appearance of the host building and surrounding area;
 - the living conditions of the occupiers of No. 10 Cross Church Street, with particular regard to outlook, daylight and sunlight; and
 - the living conditions of the current and future occupiers of the appeal property with regard to the provision of private amenity space.

Reasons

Character and appearance

4. The appeal site is a two-storey, stone property situated in the middle of a terraced row. The single-storey, flat roof extension which is the subject of this appeal is attached to the rear wall of the two-storey extension, in replacement for a previous conservatory. The wider vicinity of Cross Church Street features a large open street scene of similar properties. Extensions to the rear of properties are generally simple in their design.
5. Policy LP24 of the Kirklees Local Plan (2019) (LP) promotes good design and states that extensions should be subservient to the original building and in keeping with that building in scale, materials and details. Supporting guidance contained in the Kirklees House Extensions and Alterations Supplementary Planning Document (SPD) explains that extensions should not dominate, or be

larger than, the original dwelling. Specifically, the SPD states that extensions must not project out by 3 metres from the rear wall on terraced properties.

6. The new extension is wider than the former conservatory, and its height and mass combines with the masonry construction to give it a more solid appearance. The extension is clearly visible from New Street and its elevated position above that road makes it prominent. Taken in combination with the existing two-storey extension, itself a bulky structure, the scale and form of the extension is incongruous and unsympathetic to the host dwelling.
7. Extensions on nearby properties are generally simple in design and modest in size, whereas those on the appeal property dominate the rear elevation of the property. The lack of visual subservience means that the development fails to respect the character and appearance of the host property, or the local townscape. As such, it conflicts with the requirement of LP Policy LP24 for good design and guidance contained in the SPD.

Living conditions of the occupiers of the neighbouring dwellings

8. The new extension is built in close proximity to the boundary with 10 Cross Church Street, and directly alongside a significant proportion of the rear garden to this property. The extension is relatively tall for a single-storey structure, but the sloping ground makes it appear even higher from the adjoining garden. The occupiers of No 10 have already been impacted by the construction of the two-storey extension, but the latest extension has worsened this impact by increasing the sense of enclosure. The consequence is that the development is overbearing, oppressive and its bulk has led to overshadowing within the garden of No 10. There is therefore detriment to the enjoyment of the external amenity space.
9. I therefore conclude that the development has had an unacceptable adverse impact on the living conditions of the occupiers of 10 Cross Church Street. The scheme conflicts with Policy LP24 of the LP insofar as it seeks to ensure that alterations to buildings minimise the impact on residential amenity of future and current occupiers. It also fails to accord with the guidance in the SPD, notably Principles 4, 5 and 6 which seek to protect the outlook of neighbours and prevent adverse effects on their natural light.

Living conditions of the occupiers of the host dwelling

10. Key Design Principle 7 within the SPD explains that extensions should ensure the retention of an appropriately sized and useable area of private outdoor space. This should be at least half of the garden area. The development has utilised much of the remaining private amenity space of the appeal site, and it fails to retain adequate garden space for the day to day needs of current and future occupiers of the property.
11. The appellant contends that this part of Huddersfield is characterised by dense Victorian housing which lacks substantial amenity areas. It is argued that the occupiers of such properties prioritise family living accommodation over outdoor space. There is no compelling evidence to support this argument, but in any event it does not justify the development.
12. For the above reasons, the development fails to provide a high standard of amenity for future and neighbouring occupiers of 8 Cross Church Street, contrary to LP Policy LP24 and principles within the SPD.

Other Matters

13. I note that comments have been raised by a third party with concerns that the rear extension could be used as a balcony. As this appeal is being dismissed, I will not explore this matter further.

Conclusion

14. The extension conflicts with the development plan taken as a whole in respect of its effects on the character and appearance of the host dwelling and surrounding area, and the living conditions of neighbours. It also fails to maintain sufficient private amenity space for the occupants of the appeal property. There are no material considerations to indicate a decision otherwise than in accordance with the development plan and for this reason I conclude that the appeal should be dismissed.

J Smith MRTPI

INSPECTOR