



Appeal Decision

Site visit made on 26 September 2023

by G Dring BA (Hons) MA MRTPI MAUDE

an Inspector appointed by the Secretary of State

Decision date: 06.11.2023

Appeal Ref: APP/Z4718/W/23/3316977

7 Knowle Park Avenue, Shepley, Huddersfield HD8 8EZ

- 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 Johnson against the decision of Kirklees Metropolitan Council.
 - The application Ref 2022/62/92163/E, dated 24 June 2022, was approved on 21 December 2022 and planning permission was granted subject to conditions.
 - The development permitted is erection of first floor extension with rear balcony, car port and alterations to garage roof.
 - The condition in dispute is No 3 which states that: Notwithstanding the submitted details the first floor external walls, hereby approved, shall be finished with an off white render and roofing materials of the first floor extension hereby approved shall in all respects match those used in the construction of the existing building and thereafter retained. Render shall not be used to cover the entire building.
 - The reason given for the condition is: In the interests of visual amenity and to accord with Policy LP24 of the Kirklees Local Plan, Key Design Principles of the House Extension SPD and the aims of chapter 12 of the National Planning Policy Framework.
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Decision

1. The appeal is allowed and the planning permission Ref 2022/62/92163/E for the erection of first floor extension with rear balcony, car port and alterations to garage roof at 7 Knowle Park Avenue, Shepley, Huddersfield HD8 8EZ granted on 21 December 2022 by Kirklees Metropolitan Council, is varied by deleting conditions 2 and 3 and substituting for them the following conditions:
 - 2) The development hereby permitted shall be carried out in complete accordance with the plans and specifications schedule listed in this decision notice.
 - 3) The roofing materials used for the first floor extension hereby permitted shall match those used in the construction of the existing building and thereafter be retained.

Main Issue

2. The main issue is whether condition 3 is reasonable or necessary to safeguard the character and appearance of the area.

Reasons

3. The appeal site comprises a bungalow situated within a residential area where there is variation in the design of dwellings, some of which have been extended and altered.
4. There is a mix of external materials used in the construction of the dwellings in the surrounding area. Some properties are made up of a number of different

materials including various mixtures of stone, brick, timber cladding, composite cladding, stone cladding and render. Other properties within the vicinity are constructed of one external wall material, such as a single colour brick finish. The property located opposite to the north, 1 Lea Drive, consists of an off-white render above a brick plinth on the front and side elevations which are visible from Knowle Park Avenue. This property also has timber look cladding forming the gable feature and box dormer. The neighbouring dwelling to the appeal site, 5 Knowle Park Avenue, is rendered in part on the front elevation.

5. The elevation drawings submitted as part of the approved extension to the appeal property identify the external material finishes proposed to be used. These show a brick plinth around the base of the building, an off-white render to all external walls other than a vertical strip of grey cladding on the side elevation at the rear corners, and timber cladding applied to the whole of the front gable and part of the rear gable.
6. The restrictions of condition 3 mean that the external walls of the first floor shall be finished in an off-white render but that render shall not be used to cover the entire building. Whilst it does not say so explicitly, it is evident from the planning officer's report that the intention of the condition is to prevent the existing ground floor external walls from being rendered as part of the approved scheme.
7. The use of full render on all elevations is not a common feature in the surrounding area. Nevertheless, render as a material is an accepted external finish in the streetscene and so would not appear incongruous here. I acknowledge that the proposed use of light-coloured render over most of the building would increase its prominence to some extent, but this would be limited in part by the siting of the dwelling, which is set back from the road.
8. The use of an off-white render would be consistent with the external finish used at No 1 opposite to the north. The brick plinth around the base of the dwelling, along with the cladding detail in the gable, would break up the appearance of the render and provide a link to these established material features seen elsewhere in the surrounding area.
9. Furthermore, retaining the existing finish at ground floor level, as suggested by the Council, would result in an overly horizontal appearance to the dwelling, with a somewhat confused mix of materials, which would not be in keeping with the surrounding area. In contrast, the proposed use of materials would result in a coherent appearance to the appeal property.
10. I am therefore satisfied that the use of render in the way proposed by the appellant would not disrupt the prevailing character of the area or detract from the appearance of the property in the street scene. The requirements for the use of render set out in condition 3 are therefore not reasonable or necessary to safeguard the character and appearance of the area. This part of the condition should therefore be deleted.
11. However, condition 3 also requires that roofing materials used in the extension match those in the original house. This aspect of the condition is still necessary to ensure a satisfactory appearance to the property, and so needs to be retained in a replacement condition.

12. With condition 3 replaced as set out, the development would comply with Policy LP24 of the Kirklees Local Plan Strategy and Policies Adopted 27 February 2019. This policy seeks to promote good design by ensuring that details of developments respect and enhance the character of the townscape. The proposal would also accord with the design principles of the House Extensions and Alterations SPD June 2021 which aims amongst other things, to ensure extensions are in keeping with the appearance and local character of the area and the streetscene. It would also comply with the aims of section 12 of the National Planning Policy Framework in this regard.

Conditions

13. For the avoidance of doubt, this appeal decision should be read together with the original planning permission.
14. The standard time limit for implementation identified as condition 1 on the decision notice remains unaltered.
15. Condition 2 refers to the use of specified conditions that take precedence and override details submitted on the plans and specifications that the development should be carried out in accordance with, but following the variation of condition 3 this is no longer required. I have therefore also deleted this condition and replaced it with a new condition 2 that requires compliance with the plans and specifications listed on the decision notice only. This is in the interests of clarity.

Conclusion

16. For the reasons given above I conclude that the appeal should succeed and that the planning permission is varied as set out in the formal decision above.

G Dring

INSPECTOR