



Appeal Decision

Site visit made on 28 November 2023

by Sarah Colebourne MA, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18.12.2023

Appeal Ref: APP/Z4718/D/23/3328300

50 Cornfield, Dewsbury Moor, Dewsbury, WF13 3UY

- 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 Andrew Cousins against the decision of Kirklees Council.
 - The application Ref 2023/62/90814/E, dated 13 March 2023, was refused by notice dated 9 June 2023.
 - The development proposed is described as 'Erection of Double-Storey Side Extension including 3.0 metre Single-Storey Rear Extension'.
-

Decision

1. The appeal is dismissed.

Reasons

2. The main issue in this appeal is the effect of the proposed development on the character and appearance of the area. The development plan includes policy LP24 in the Kirklees Local Plan (2019) (LP) which requires that proposals promote good design and that the form, scale, layout enhances the character of the area. The National Planning Policy Framework ('the Framework') has a similar objective.
3. The appeal site is located on a modern housing development of modestly sized, two storey semi-detached houses and houses in short terraces of three or four, built to varying designs. The sloping topography of the land results in a varied roofline and many of the dwellings have a staggered building line which adds interest to the street scene. It is a close-knit development and whilst there are some variations in front elevations with subsidiary gable or Dutch gable features, the dwellings have main pitched roofs and side gable ends, with only limited spacing between buildings, usually a gap of either a single or two single drives. Those spaces provide some much-needed openness to the otherwise built-up street scene, sometimes providing views of trees or shrubs in rear gardens or across roof tops and contributing positively to the character of the area.
4. The appeal dwelling is sited at the lower end of a cul-de-sac on Cornfield on a straight section of road that leads to playing fields and in which dwellings are sited on a more uniform building line than elsewhere on the estate. Here, the road levels out to some extent and the difference in the roofline of dwellings is less pronounced than at the top of the road. No 50 is a semi-detached, two storey dwelling which has a single drive. Its neighbour at no 52 does not have a drive to the side and is built almost up to the side boundary. On the opposite

side of the road is the gable end elevation of no 56 which has a somewhat enclosing effect on the street scene at this point. The gap at the appeal site provides some welcome openness here and allows views of trees in the rear gardens, thus providing a positive feature in the street scene.

5. The proposed two storey side extension would have only a very slightly lower ridge height and would be only very slightly set back from the front elevations of both the appeal dwelling and its neighbour. It would leave only a very small gap of 0.45m with the side boundary and only 1.1m (according to the appellant) between the side gable end elevations of the two properties. This would be contrary to the Council's House Extension Supplementary Planning Document (SPD) which requires a gap of at least 1m with the side boundary.
6. By reason of the siting, height and pitched roof form of the side extension, the resulting small gap would not be clearly perceived in views along the street and the dwellings would appear as a terrace of four, albeit with a staggered roof line and variation in style, with only a single drive separating that from the next terrace of three. Whilst there are terraces on the estate of four dwellings, those generally have more space around them than would be the case here because there is only a single drive between nos 46 and 48.
7. The infilling of this small but important gap would therefore have a detrimental impact on the street scene at this point and this would significantly harm the character of the area whose attractiveness derives in part from gaps such as this. The proposal would therefore be contrary to development plan policy LP24, as well as to the Framework and to the Council's SPD.
8. The appellant has referred to other dwellings on the estate which have been granted planning permission to extend to the side but accepts that those were prior to the adoption of the Council's SPD. Although the gap between the extension at no 40a is less than proposed here, there is a greater offset in the building line between that dwelling and its neighbour and a significantly greater difference in ground levels than is the case here, resulting in an extension which does not create a terracing effect. None of those cases are directly comparable, therefore, with this one and do not provide justification for overriding the harm that would be caused by this proposal.
9. I have noted that the Council considers that the proposed single storey rear extension is acceptable and I have no reason to disagree with that but as it is not physically and functionally separate from the side extension, I am unable to make a split decision to grant permission for that element.

Conclusion

10. For the reasons given above, I conclude that the proposed development would be contrary to the development plan and there are no material considerations that would outweigh this. The appeal should be dismissed.

Sarah Colebourne

Inspector