



Appeal Decision

Site visit made on 7 December 2023

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18.01.2024

Appeal Ref: APP/Z4718/D/23/3331267

3 Nields Road, Slaithwaite, Kirklees, Huddersfield HD7 5HT

- 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 Richard Marcus against the decision of the Kirklees Council.
 - The application 2023/62/90044/W dated 5 January 2023, was refused by notice dated 1 August 2023.
 - The development proposed is erection of first floor rear extension and rooflights to main roof.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council changed the description of development from that stated on the application form due to the receipt of amended plans removing the proposed parking bay to the front of the property. In the interests of clarity, I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.
3. Further amended plans were also received reducing the roof and eaves height of the proposed extension. On this basis I have considered the appeal on the basis of the plans referenced in the decision notice, Block Plan Ref: 04 Rev B and Proposed Layout and Elevations Ref: 03 Rev C.
4. There appears to be a discrepancy with the proposed plans which detail a glazed double door with Juliet balcony to Bedroom 4 on the elevation, nevertheless the floor plans indicate a smaller insertion. Notwithstanding this inconsistency, it appears from the planning report and representations received that the extent of the proposed works was clear. On this basis I consider that in this instance a condition could be attached to any approval to ensure the elevation and floor plans are consistent.
5. Since the determination of the application the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2023) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issues

The main issues in this appeal are the effect of the development on (i) the character and appearance of the host property and area in general; and (ii) the living conditions of the occupiers of No. 1 Nields Road.

Reasons

Character and Appearance

6. The site is a detached stone property within a predominantly residential area. The appeal property and its neighbours are elevated above the highway. Property type and design vary within the area, notwithstanding this there is a harmony between the appeal site and No. 1 Nields Road in terms of form.
7. The proposed extension has been designed to replicate the existing mono pitch roof to the existing single storey outrigger and would use materials to match the existing property.
8. The utilitarian telephone exchange building to the rear screens to a degree the rear of the appeal site from public vantage points. Notwithstanding this whilst a large first floor extension is not a common feature in the area, due to the existence of a similar extension to No. 1 the proposed development would not be an alien feature.
9. I find that the proposed development would not harm the character and appearance of the host property and area in general.
10. There is no conflict with Policy LP24 of the Kirkless Local Plan Strategy and Policies (2019) (the Local Plan) which seek amongst other things for developments to respect the character of the townscape and be subservient to the original building in term of scale, materials and details. Similarly, there is no conflict with principles 1 and 2 of the House Extensions and Alterations SPD (2021) which echo the aims of Policy LP24.
11. There is no conflict with the Framework which seeks amongst other things to ensure developments are of good design.

Living Conditions

12. No.1 Nields Road has built above the original rear single storey outrigger in a similar way to the proposal before me. An area of private amenity space to the serving No. 1 exists between the built form of No. 1 and that of the appeal site. No. 1 has a modest conservatory facing into the amenity space towards the appeal site.
13. Due to the location of the proposed extension, hard up to the boundary with No. 1, along with the projection and height the proposed extension would create an oppressive and overbearing form of development which would diminish the neighbouring occupants enjoyment of the use of the amenity space and conservatory.
14. Due to the mass and location the proposed development would exacerbate the sense of enclosure the existing built form creates for the occupants of No. 1.
15. I conclude that the proposed development would harm the living conditions of the occupiers of No. 1 Nields Road.

16. The proposal conflicts with Policy LP24 of the Local Plan and the SPD which seek amongst other things to protect the amenities of existing occupiers of neighbouring properties.
17. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Other Matters

18. The appellant has highlighted that the proposed development is required due to the personal circumstances of the occupants. I have had regard to the comments raised in the grounds of appeal and application along with the letter of support provided by Specialist Teacher for Complex Communication and Interaction. I have not been provided with demonstrable evidence to confirm that an alternative development could not be provided to meet the needs of the occupants. Nonetheless whilst I have sympathy with the Appellant's reasons for the proposal, they do not outweigh the harm that the particular solution proposed creates.

Conclusion

19. Whilst I have found that the proposed development would not harm the character and appearance of the host property nor the area in general this does not outweigh the harm I have identified in relation to living conditions of the occupiers of No. 1 Nields Road.
20. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR