



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: 23.01.2024

Appeal Ref: APP/Z4718/D/23/3329307

2 Wayne Close, Batley, Kirklees WF17 0EU

- 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 Asrar Ahmed against the decision of the Kirklees Council.
 - The application 2023/62/91106/E dated 14 April 2023, was refused by notice dated 20 June 2023.
 - The development proposed is raising of the roof height to create first floor with to storey side extension and external alterations.
-

Decision

1. The appeal is allowed and planning permission is granted for raising of the roof height to create first floor with to storey side extension and external alterations at 2 Wayne Close, Batley, Kirklees WF17 0EU in accordance with the terms of the application, Ref 2023/62/90624/E dated 24 February 2023/62/91106/E dated 14 April 2023, and the plans submitted with it, subject to conditions set out below.

(1) The development hereby permitted shall be begun before the expiration of three years from the date of this permission.

(2) The development hereby permitted shall be carried out in accordance with the following approved plans, Drawing No's: PAD.285.361 and PAD.385.362.

(3) The materials to be used in the construction of the external surfaces of the hereby approved development shall match those used in the existing building.

Procedural Matter

2. The Council changed the description of development from that stated on the application form. 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. Since the submission of the appeal the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2023) (the Framework).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 Issue

The main issue in this appeal is the effect of the development on the character and appearance of the adjacent conservation area and area in general.

Reasons

4. The site is adjacent the Upper Batley Conservation Area. In accordance with the statutory duty imposed by section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990; I am required to have special regard to the effect of the proposed development on the character or appearance of the area.
5. Paragraph 205 of the Framework states that great weight should be given to the conservation of a designated heritage asset when considering the impact of a proposal on such an asset. This is irrespective of the level of harm.
6. The site is a detached dormer bungalow within a predominantly residential area. Properties in the area vary, on this stretch of Wayne Close they are predominantly dormer bungalows. However, there are two storey properties to the north and west. The appeal property is at the entrance to Wayne Close on lower ground and a slightly different house type to the main building form on the street.
7. The Council confirm that the character of the conservation area includes a mixed and open character on the edge of Batley Town with large, stone built Victorian villas in mature grounds alongside older cottage. Properties in Wayne Close are predominantly modern, brick built properties with no features in common with the more traditional dwellings of the Upper Batley Conservation Area.
8. Prior approval has been granted for the enlargement of the property by erection of an additional storey¹ on the 5 December 2022. The permitted scheme to extend the original property upward is similar in part of the proposal before me which includes a porch and two storey side extension.
9. I note from the Delegated Report provided by the Appellant relating to that prior approval that the Council considered that the extension upwards would not be wholly out of character with the area and may indeed provide a more cohesive visual link between the traditional stone properties within the Conservation Area opposite and the newer dwellings just outside the Conservation Area on Wayne Close. I do not disagree.
10. The House Extensions and Alterations SPD (2021) highlights amongst other things that two-storey side extensions should ideally be visually smaller in relation to the original house and should include a setback to provide a vertical break. Notwithstanding this, it is important to recognise that such guidance does not constitute a 'black and white' set of rules to be applied rigidly or exclusively when other material considerations indicate that an exception may be appropriate.
11. The proposed extension and alterations are extensive and not subordinate to the existing property. However, given the extent of the proposed works the development would be read as a whole and not as an extension to the existing property. As such I do not consider the lack of a subordination detrimental to character and appearance of the area or the existing property itself.

¹ 2022/CL/93330/E

12. The proposed development is substantially larger than that permitted under the prior approval application. Nonetheless given the clear distinction between the appeal site, its immediate surroundings and the adjacent conservation area the proposed development would have a neutral effect on the area, thus preserving the character and appearance of the conservation area.
13. The proposed development would not be incongruous to the varied built environment and as such would not harm the character and appearance of the adjacent conservation area and area in general. I find that the proposed development would not harm the character and appearance of the adjacent conservation area or area in general.
14. There is no conflict with Policies LP24 and LP35 of the Kirklees Local Plan Strategy and Policies (2019) which seek amongst other things for developments to respect the character of the townscape and preserve the historic environment.
15. There is no conflict with the Framework which seeks amongst other things to ensure good design of developments and protects the historic environment.

Conclusion

16. For the above reasons I conclude that this appeal should be allowed.
17. I have imposed a standard condition relating to the commencement of development and a condition specifying the relevant plans as this provides certainty. In order to safeguard the character and appearance of the area I have imposed a condition concerning materials.

C Pipe

INSPECTOR