



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: 26 January 2024

Appeal Ref: APP/Z4718/D/23/3330917

447 Bradford Road, Liversedge WF15 6JD

- 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 J Armitage against the decision of the Kirklees Council.
 - The application 2023/62/90624/E dated 24 February 2023, was refused by notice dated 30 May 2023.
 - The development proposed is demolition of existing garage and erection of 2 storey side extension.
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Decision

1. The appeal is allowed and planning permission is granted for demolition of existing garage and erection of 2 storey side extension at 447 Bradford Road, Liversedge WF15 6JD in accordance with the terms of the application, Ref 2023/62/90624/E dated 24 February 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: Location Plan; Site Plan; and Proposed elevations and floor plans, drawing No. 22/4.
 - (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 Since the submission of the appeal the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2023) (the Framework).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 host property and area in general.

Reasons

4. Located on a busy junction, within a mixed-use area, the end terraced property is set back from the highway in-line with the rest of the terrace.
5. I observed during my site visit that properties adjacent along Leeds Road are predominantly larger semi-detached properties. I noted that the terrace of properties that the appeal site is within visually can be read as a pair of semi-detached properties from Leeds Road. For instance, the central properties have noticeable exterior doors facing the highway, whereas the end terraced properties have either a large window or patio doors. The roof aligns No's 441 and 443 of the terrace then lowers and aligns 445 and the appeal site. The subdivision of gardens and gates fronting the highway are the main indicator that the properties are terraces.
6. The proposed development would have a slightly lower roof height than the existing property. The proposed development would not project further than the adjacent terrace building line (429-439 Bradford Road) located at a right angle to the appeal site. The proposed materials to match the existing property.
7. 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 set back 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.
8. Whilst the proposed development would be larger than the existing property, due to the form of the terrace, the extension would not appear out of keeping and would provide a subordinate build form when viewed from Leeds Road which is the most prominent view of the property.
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 Kirklees 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.
11. There is no conflict with the Framework which seeks amongst other things to ensure developments are of good design.

Conclusion

12. For the above reasons I conclude that this appeal should be allowed.
13. 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