The Planning Inspectorate

Appeal Decision

Site visit made on 15 January 2024

by A.Graham BA(hons) MAued IHBC

an Inspector appointed by the Secretary of State

Decision date: 14th February 2024

Appeal Ref: APP/A4710/D/23/3331020
142 Roils Head Road, Halifax HX2 0NQ

- 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 S Ali against the decision of Calderdale Council.
- The application Ref: 23/00185/HSE dated 22 February 2023 was refused by notice dated 15 September 2023.
- The application is for single storey extension to rear, porch to front, canopy to side and front and dormer windows to rear and side elevations (Part Retrospective) (Revision of Planning Application ref: 22/00388/HSE).

Decision

1. The appeal is dismissed.

Procedural Matter

2. Since the determination of this application a revised National Planning Policy Framework (The Framework) was published in December 2023. I have therefore determined this appeal in accordance with the revised provisions within the Framework.

3. The proposal before me is the result of a fairly long and extensive planning history through which several applications have been devised and subsequently revised, determined[1] or withdrawn. Many of these applications were concerned with retrospective alterations of unauthorised works that were not in accordance with previously approved plans and are now subject to Enforcement proceedings. Despite this the decision below is based upon the information before me with regards application reference number 23/00185/HSE and as such I have determined the appeal accordingly based upon the plans before me as part of this application and the evidence gathered through both a site visit and from the relevant parties.

[1] Relevant Planning History is as follows:
2015 – 15/42043/42DAYS Prior Approval for single storey extension to rear. Prior approval refused.
2016 – 16/01137/HSE. Approved.
2017 – 17/01034/HSE. Approved.
2019 – 19/00105/HSE. Refused.
2019 – 19/00759/HSE. Application withdrawn.
2022 – 22/00388/HSE. Application refused.
2023 – 23/00185/HSE. Amended application refused.

Main Issues

4. The main issues are the effect of the proposal upon the living conditions of neighbours, the character and appearance of the area, and upon the safe and efficient use of the highway.

Reasons

5. The Appeal property is a semi detached, two storey house standing to the corner of Roils Head Road and Gleanings Avenue. The property appears to have previously been a part stone and part rendered house with hipped roof similar to its adjoining neighbour at number 144. Previous works to the appeal property have seen extensive alterations, some of which have been the subject of planning approval, but some of which have been carried out without the benefit of such permissions. These include the extension of a previously approved front porch, larger than approved rear extensions and dormer extensions that appear not to have been built in accordance with the previously consented schemes.

6. Several other past applications have sought to remedy the outstanding planning issues and the planning history is set out in the footnotes above and within the statements from both parties. Despite this, the property is now primarily a part rendered, part stone built house encompassing a sizeable single storey porticoed porch, lean too protruding canopies around the side of the house, side and rear dormers and single storey rear extensions that extend some way into the rear space associated with the dwelling.

Effect of the proposal upon the living conditions of neighbours

7. I have evidence before me the impact upon neighbours was a key consideration in previous schemes. This was due to both the height and extent of the extensions that had been carried out to the rear. The application plans before me show a partial reduction to this existing rear extension so as to enable the proposed scheme to meet the 45 degree guide that the Council require to protect the living conditions of neighbours.

8. In this instance, I am satisfied that were the proposed plans before me to be implemented, that such changes in both height and depth along the common boundary with number 144 Roils Head Road would be sufficient to address the issues around amenity of neighbours. As such, the proposed scheme has the potential to meet the requirements BT2 of the Calderdale Local Plan.

Effect of the proposal upon the character and appearance of the area

9. The proposed plans seek to rectify the past issues around the impact of extant changes upon the character and appearance of the area through slightly revised plans. These include the partial reduction of the rear extension adjoining the neighbour at number 144. Despite these changes little would seemingly alter with regards the visible areas of the past extensions upon the streetscene.

10. Currently, the scheme as it stands exhibits a large, neo classically inspired porch to the front, lean too canopy roof in red pantiles around the perimeter of the house, a rear extension at single storey that extends some distance into

the rear garden area and the interlinked, asymmetrical dormers whose presence somewhat dominates this corner plot.

11. In assessing the retrospective acceptability of these changes, I am obliged to follow the guidance before me regarding design quality on both a local and national level. This includes Policy BT1 of the Calderdale Local Plan as well as guidance within the Framework both of which seek to achieve high quality design that is both contextual and attractive.

12. The scheme before me, despite its use of some classical motifs within the front porch, results in a property whose overall design aesthetic is highly confused and alien to both the original house and its surroundings. The dormer extensions are perhaps most harmful in their sheer dominance and overly bulky design. The fact that they are linked around the corner of the roof form and asymmetrical in design and proportion simply makes their impact all the more harmful.

13. Although for the most part, the rear extension is of a more modest design, and one that uses simple, local materials, the extent to which it protrudes into the rear space of this property has resulted in almost the whole plot being filled with either built form or car parking. Such an impact is highly damaging upon an area whose character is largely defined by semi detached houses with gardens.

14. As such, despite the efforts to make this scheme acceptable, the overall result of so many contrived and poorly designed interventions lead me to the only conclusion that I believe it is reasonable to come to. That is that the scheme before me would result in significant harm to the character and appearance of the area and would be thoroughly at odds with Policy BT1 of the Local Plan and the desire for design as advanced in the Framework.

Effect of the proposal upon the safe and efficient use of the highway

15. Due mainly to the extent of the rear extension the Appellant's have sought to meet the requirements of the Council's Highways department through placing car parking upon a neighbouring plot to the rear who's agreement the Appellants have gained. Although this may appear as a solution in some eyes, the knock on effect is one whereby the neighbouring property may suffer loss of parking as a result.

16. In assessing the impact of such a redistribution of parking, I saw on my site visit that parking upon the pavement already occurs, even at a time of day when demand would likely not be great. As such I consider that the requirement for on site parking is relevant and important. Moreover, the likelihood of parking being redistributed and more pavement parking potentially occurring, would lead me to conclude that there would be the likelihood of an indirect impact upon pedestrian safety as a result.

17. As such, I consider that the proposed solution to achieving adequate car parking due to the size of the extant extension is ill considered and will have knock on effects that would cause the scheme to fall into conflict with Policy BT4 of the Calderdale Local Plan.

18. Ultimately, I consider that the proposal before me would fail to address the previous concerns regarding the impact of this scheme upon both the character

and appearance of the area and the safe and efficient use of the highway. As such, the proposal before me would be contrary to policies BT1 of the Calderdale Local Plan (CLP) in its intention to achieve good urban design and policy BT4 of the same in its attempt to sustainably manage the effect of schemes upon the highway network and pedestrian safety.

Other Matters

19. The Appellant has advanced some special personal circumstances as to why this proposal should be allowed. These are due primarily to the current poor health of the Appellant's brother in law who currently resides at the property and who suffers from several health related issues. I do not consider however that a more acceptable scheme would necessarily prejudice the requirements of this member of the household in living a full and healthy life in the property. As such, although I give these personal circumstances some weight within this decision these particular circumstances do not fully outweigh the other harms that I have identified above.

Conclusion

20. For the reasons given, and taking into account of all other matters raised, I dismiss the appeal.

A Graham

INSPECTOR