



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/23/3330587

8 Copley Avenue, Halifax, West Yorkshire HX2 7DJ

- 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 Neil Marsden against the decision of Calderdale Council.
 - The application Ref: 23/00476/HSE dated 5 May 2023 was refused by notice dated 28 July 2023.
 - The application is for small conservatory to front.
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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 description of development used by the council varies slightly from that included upon the original application form where more extensive description was given with regards the size and use of the proposed extension. Accordingly, I have used the description on the Council's decision notice that I feel adequately describes the proposed in a more concise manner.

Main Issues

4. The main issues are the effect of the proposal upon the character and appearance of the area and upon the living conditions of neighbours.

Reasons

5. Copley Avenue is characterised by long, linear rows of fine, stone built terrace houses, many of which are back to back. Although the buildings stagger down the hillside here the character and appearance of the streetscene is one of largely uniform houses sitting amongst the steep topography of the area.
6. For the most part the properties are back to back whereby the change in level between streets is accommodated. Most properties seemingly contain a living room and small kitchen fronting onto a front garden or yard served by a central door. This gives the impression of a series of 'double fronted' terrace houses.

Opposite the appeal site the terrace is of three storeys presumably due to the change in level between roads here.

7. I saw on my site visit that several properties had porches of some sort constructed upon their principal elevations, presumably to serve as a draught lobby or cloakroom. Many of these appear to have been constructed without the benefit of planning permission. The design of these porches is varied but the most successful examples are those that use local materials and are of a modest, traditional pitched roof design. For the most part however, the appearance of the street is still dominated by the simple, linear forms that make up the front elevation of the terrace itself.
8. The appeal before me seeks permission to construct a lean to porch structure over the front doorway. The top of the structure would be around 2.9m whilst the eaves would be around 2.1m. The width and depth of the structure would be around 2.2m and 2.8m respectively. The proposed materials within the application would appear to contain a brick plinth and white UPVC windows, white guttering and white downpipes.
9. The proposed extension would introduce a size and form of extension that is atypical of such an area and would use poor quality materials that would tend to erode the overall remaining quality of the streetscene here. The brick plinth too, even if rendered, would introduce alien materials into the area which I find harmful.
10. The Appellant's have suggested that the proposal could be reduced in size together with the rendered plinth to better integrate within the streetscene. However, even through such slight changes, the proposed porch would still utilise extensive areas of white UPVC and would be of a form that I consider would be very generic in appearance. As a result the proposal would not respond well to the overall traditional quality of the streetscene here.
11. Ultimately, I consider that the proposal before me would erode the distinctive character of the appeal property and its associated terrace of houses through a design that is poor and wholly non responsive to its particular context. As such, although I find that there may be ways to construct a more traditional porch extension to this elevation that would protect the character and appearance of the streetscene here, the proposal before me would be contrary to policy BT1 of the Calderdale Local Plan (CLP) in its intention to achieve good urban design.

Other Matters

12. The Council have also found harm to the living conditions of neighbours through the potential for overlooking of their only external amenity space to the front of their property. Although I concur with the Council that some overlooking may occur, I am also aware that none of these front gardens are truly private, and, by the very nature of this area, some overlooking of neighbours typically occurs and cannot be avoided. As such, although there could be ways to mitigate this impact, my findings above would negate the need for such actions. Despite this, due to the particular context of the area, I do not consider that there would be such a conflict with Policy BT2 of the CLP to lead me to dismiss the appeal on this matter.

Conclusion

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

A Graham

INSPECTOR