



Appeal Decision

Site visit made on 5 March 2024

by Graham Wraight BA(Hons) MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 13th March 2024

Appeal Ref: APP/Z4718/D/24/3336831

17 Cuniver Court, Hightown WF15 8LR

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Ms Jane Cavill against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2023/62/93226/E.
 - The development proposed is the demolition of existing conservatory and erection of single storey rear extension.
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Decision

1. The appeal is allowed and planning permission is granted for the demolition of existing conservatory and erection of single storey rear extension at 17 Cuniver Court, Hightown WF15 8LR in accordance with the terms of the application, Ref 2023/62/93226/E, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan, 2023/423/02, 2023/423/03 and 2023/423/04.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the construction of the exterior of the existing building.

Main Issue

2. The main issue is the effect of the proposed development on the living conditions of the occupiers of 19 Cuniver Court, with particular reference to massing and light.

Reasons

3. The appeal property sits in a short row of terraced properties and is stepped back from the adjoining dwelling at 19 Cuniver Close. This means that part of its side wall projects back further than the rear elevation of No 19. Additionally, there is currently a conservatory to its rear which is located adjacent to the common boundary with No 19. This further increases the built form beyond the rear of No 19. The appeal proposal would result in the removal of the conservatory and its replacement with a single storey rear extension.
4. The proposal would project out further than the existing conservatory and it would be a higher and more bulky structure. However, unlike the conservatory

it would be set away from the boundary, with the plans showing the offset to be one metre. This offset, along with the fact that its roof would pitch away from the common boundary and that it would be only single storey in height, would significantly lessen the impact on the rear garden of No 19 arising from its physical form and massing. This would be sufficient to ensure that there would be no undue harm to the living conditions of the occupiers of No 19 by virtue of the size and positioning of the proposal.

5. The offset from the boundary, single storey height and pitch of the roof would also limit any effect that would be had on light reaching the rear garden area of No 19. Furthermore, I pay regard to the likelihood that the mature trees of considerable height within the curtilage of 16 Church Street will, when in leaf, have some impact on sunlight passing over the garden of the appeal dwelling and onto No 19. As a result of these factors, I am satisfied that the proposed development would not cause harm to the living conditions of the occupiers of No 19 by way of a loss of daylight or sunlight.
6. For these reasons, I conclude that the proposed development would not cause harm to the living conditions of the occupiers of No 19. Consequently, the proposal would accord with Policy LP24 of the Kirklees Local Plan Strategy and Policies 2019, where it seeks to safeguard living conditions. There would also be no conflict with the aims of Policies KDP5 & KDP6 of the House Extensions & Alterations Supplementary Planning Document 2021 or the National Planning Policy Framework in the same respect.

Conditions

7. Conditions requiring the commencement of the proposed development within three years and confirming the approved plans are necessary to provide certainty. A condition requiring the use of external facing materials to match the existing house is required to ensure an appropriate external finish.

Conclusion

8. For the reasons given above, the appeal should be allowed.

Graham Wraight

INSPECTOR