



# Appeal Decision

Site visit made on 11 March 2024

**by M Clowes BA (Hons) MCD PG CERT (Arch Con) MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 18 March 2024**

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**Appeal Ref: APP/A4710/D/23/3331718**

**Grove Row, Heath Hill Road, Halifax, Calderdale HX2 0UU**

- 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 C Wilkinson against the decision of Calderdale Metropolitan Borough Council.
  - The application Ref is 23/00769/HSE.
  - The development proposed is described as '3m deep single storey rear extension.'
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## Decision

1. The appeal is dismissed.

## Preliminary Matters

2. During the appeal process the Council confirmed that there are typographical errors in reason for refusal 2 as set out in its decision notice. Careless reference is made to incorrect neighbouring properties and Policy BE2 of the Amended Replacement Calderdale Unitary Development Plan 2009 (UDP), despite having been superseded by Policy BT2 of the Calderdale Local Plan (CLP) since March 2023. However, it is clear from the officer report that the concerns regarding the impact of the proposal on the living conditions of neighbouring occupants relate to No 8 Grove Row. The appellant clearly understands this to be the case and the correct policy which is to be applied<sup>1</sup>. Therefore, I am satisfied that there would be no prejudice to the parties in determining the appeal on this basis.
3. Within its officer report the Council has not definitively considered whether the proposal would amount to inappropriate development within the Green Belt and if so, what the resultant impact on the openness of the Green Belt would be. The Council has not therefore advanced any reasons for refusal associated with harm to the Green Belt, and neither party has provided any substantive evidence to suggest that harm to the Green Belt or the purposes of including land within it, would arise. I have therefore, dealt with the appeal on the evidence available to me.

## Main Issues

4. In light of the above, in relation to this appeal, the main issues are i) the effect of the proposed development upon the character and appearance of the host dwelling and the wider area and ii) the living conditions of the occupants of No 8 Grove Row, with particular regard to outlook.

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<sup>1</sup> As set out at paragraph 5.7 of the appellant's statement of case.

## Reasons

### *Character and Appearance*

5. The appeal site comprises a recently constructed detached dwelling with a traditional dual pitched roof and rear facing gable projection. It forms part of ribbon development along Heath Hill Road comprising predominantly modest terraced cottages and later semi-detached dormer bungalows to the west and north-east. The verdant, rural context is evident in views all around.
6. Given its siting on elevated land, the rear elevation of the host dwelling is highly prominent in medium to close range views from Moor End Road across the intervening agricultural field. Due to the change in topography between the field and the appeal site, the majority of the proposed extension would be visible above the stone boundary wall. Whilst the proposed extension would be single storey, it would be sited on the gable projection which has been deliberately designed with full height glazing to be the focal point of the dwelling in such views. Adding a contrasting flat roofed extension would result in a cluttered form of development, detracting from and failing to respect the appearance of the host dwelling.
7. The appeal property is closely sited alongside the modest vernacular terraced cottages to the south that have largely plain, unextended facades<sup>2</sup>. Notwithstanding that there is some variance in built form in the wider area, it is these properties with which it has a close visual relationship in views from Moor End Road. Even if I could consider the proposal to be high quality and inclusive design, the height, scale and forward projection of the proposed extension would not in this context appear particularly modest. It would further exacerbate the already dominant mass and scale of the host dwelling in relation to the neighbouring cottages, such that it would overwhelm and draw the eye to a negative degree. The visual impact of the development would not be of little significance in public views of the appeal site.
8. The presence of another large-scale dwelling currently under construction to the south of the terrace would not mitigate or justify harm to the character and appearance of the area. Likewise, the dormer bungalow to the west of the appeal site, as an atypical form of rural architecture. The flat roofed addition to the side is consistent with the flat roofed dormer windows within the main roof, such that it reflects the overall style of the property. Furthermore, the extension is set down at a lower land level than the appeal property, appearing discrete within the street scene. The circumstances are not therefore comparable with those of the appeal proposal.
9. For these reasons, the proposed development would have an adverse effect upon the character and appearance of the host dwelling and the wider area. It would fail to comply with Policy BT1 of the CLP which seeks amongst other things that the design style respects or enhances the character and appearance of existing buildings and surroundings, taking account of its local context. It would also fail to comply with paragraph 130 of the National Planning Policy Framework which requires high quality development that responds to and reflects the identity of the surroundings.

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<sup>2</sup> Noting that the end terrace to the south has an open-sided lean-to structure to the front of a side extension.

### *Living Conditions*

10. The rear elevation of the host dwelling already extends well beyond the front elevations of the adjacent row of terraced properties and the associated garden wall. It affects the level of outlook afforded to the habitable windows contained within the front elevation of No 8. Whilst the proposed development would be single storey it would nonetheless extend the amount of solid wall projecting along the boundary, above the height of the ground floor living room window belonging to No 8. This would exacerbate the existing sense of enclosure already exerted by the dwelling, such that it would feel oppressive and further curtail the level of outlook afforded to the neighbouring occupant(s) to a significant degree.
11. The shed belonging to No 8 is minimal in scale with its roof sitting below the height of the living room window. It would not therefore mitigate the adverse and oppressive relationship that would be generated by the height and forward projection of the proposed extension.
12. The proposed development would be harmful to the living conditions of the occupants of No 8, with particular regard to outlook. It would therefore conflict with Policy BT2 of the CLP which seeks to ensure that development proposals do not result in a significant adverse impact on the amenity of adjacent residents. It would also conflict with paragraph 130 of the Framework which requires new development to have a high standard of amenity for existing users.

### **Other Matters**

13. Support does not equate to a lack of harm and whilst the occupant of No 8 has endorsed the proposal<sup>3</sup>, I have reached a different conclusion regarding the impact of the development on their living conditions, which would endure for the lifetime of the development.
14. I acknowledge the appellant's desire to extend their property to meet their needs. However, there are likely to be other ways in which additional living space could be achieved without resulting in the harm identified.

### **Conclusion**

15. For the reasons given above, having considered the development plan as a whole and all other considerations, the appeal is dismissed.

*M Clowes*

INSPECTOR

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<sup>3</sup> As set out in Appendix 3 of the appellant's statement of case.