



Appeal Decision

Site visit made on 1 May 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 9th May 2024

Appeal Ref: APP/Z4718/D/24/3338947

26 Myrtle Avenue, Ravensthorpe, Dewsbury WF13 3AW

- 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 Shahzab Khan against the decision of the Kirklees Metropolitan Council.
The application 2023/62/93680/E dated 11 December 2023, was refused by notice dated 14 February 2024.
 - The development is described as proposed two storey rear extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The plans denote that the appeal site has a single storey rear extension to the rear with mono pitched roof. During my site visit I observed a partially completed single storey extension inline with the two storey extension under construction at No. 24 Myrtle Avenue. The extension at the appeal site does have a roof, window or door.

Main Issue

3. The main issue in this appeal is the effect of the development on the living conditions of the occupiers of No. 28 Myrtle Avenue and No. 44 Garden Street.

Reasons

4. The appeal site is a mid-terraced property within a predominantly residential area. The relationship between the appeal site and the neighbouring properties 28 Myrtle Avenue and 44 Garden Street is unusual. The rear elevation of No. 44 Garden Street is at a 90-degree angle to the appeal property with a small gap between the rear elevation containing windows and that of the single storey extension and rear yard and incomplete extension of the appeal site.
5. No. 28 Myrtle Avenue adjoins the appeal site and has a constrained rear elevation containing a first floor window and external ground floor door accessed via the narrow gap between the proposed development and the rear elevation of No. 44.

6. The proposed development due to mass, design and location would be a dominant form of development creating a poor outlook and an overbearing sense of enclosure to the neighbouring properties.
7. No. 24 has a similar extension to the proposal before me which is currently under constructed. Notwithstanding this the relationship between the appeal site and neighbours is distinctly different to No. 24 and as such the development at No. 24 is not comparable.
8. I conclude that the proposed development would harm the living conditions of the occupiers of No. 28 Myrtle Avenue and No. 44 Garden Street.
9. The proposal conflicts with Policy LP24 of the Kirkless Local Plan Strategy and Policies (2019) and the House Extensions and Alterations SPD (2021) which seek amongst other things to protect the amenities of existing occupiers of neighbouring properties.
10. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Conclusion

11. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR