



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: 09.05.2024

Appeal Ref: APP/Z4718/D/24/3337682

9 Springwood Hall Gardens, Springwood, Huddersfield HD1 4HA

- 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 Aamir Arif against the decision of the Kirklees Metropolitan Council.
 - The application 2023/62/92353/W dated 4 August 2023, was refused by notice dated 23 November 2023.
 - The development proposed is erection of two storey side extension and single storey rear extension with flat roof canopy.
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Decision

1. The appeal is allowed and planning permission is granted for the erection of two storey side extension and single storey rear extension with flat roof canopy at 9 Springwood Hall Gardens, Springwood, Huddersfield HD1 4HA in accordance with the terms of the application, Ref: 2023/62/92353/W dated 4 August 2023, and the plans submitted with it, 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: Location Plan 23-006-PL01 Rev. 00; Proposed Site Plan 23-006-PL03 Rev. 00; Proposed Elevations 23-006-PL13; Proposed Floor Plans 23-006-PL12; Existing and Proposed Street Elevations 23-006-PL14; and Proposed Site Plan Appeal 23-006-PL15.
 - 3) The materials to be used in the construction of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding condition 2 details of the boundary treatment between 9 and 11 Springwood Hall Gardens shall be submitted to and approved in writing by the local planning authority. The agreed boundary treatment shall be installed in accordance with the approved details within 3 months of substantial completion of the development.
 - 5) The car parking arrangement hereby approved shall be kept available at all times for the parking of motor vehicles by the occupants of the dwelling and their visitors.

Procedural Matter

2. The Council changed the description of development from that stated on the application form. In the interests of clarity, I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted an amended description in the heading above.
3. Since the determination of the application the National Planning Policy Framework has been superseded by the National Planning Policy Framework (2023) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issues

The main issues in this appeal are the effect of the development on

- (i) the character and appearance of the host property and area in general;
- (ii) the living conditions of the occupiers of No. 11 Springwood Hall Gardens; and
- (iii) highway safety.

Reasons

Character and Appearance

4. The site is a two-storey semi-detached property within a predominantly residential area. Properties vary in terms of design within the area, notwithstanding this there is a harmony between the appeal site and the adjoining property No. 11 Springwood Hall Gardens in terms of form.
5. The proposed two storey extension projects forward from the front of the existing property. The House Extensions and Alterations SPD (2021) (the SPD) advises that two storey side extensions should not dominate the original house, be set back from the original frontage of the building, and should maintain a 1metre gap to the side boundary. The SPD also states that extending forward from the street's building line will only be appropriate in certain circumstances and will be assessed on the merits of the application.
6. It is important to recognise that such guidance does not constitute a 'black and white' set of rules to be applied rigidly or exclusively when other material considerations indicate that an exception may be appropriate.
7. I observed during my site visit various extensions and alterations to properties in the area, including two storey side extensions which project forward of the principal elevation. The Council does not afford this significant weight. I disagree, whilst some extensions are on different house types, and some may have been approved prior to the adoption of the SPD, they form part of the character and appearance of the area.
8. The projection forward of the two storey extension is not incongruous with other built forms in the area. Although the extension encroaches upon the 1m gap between the appeal property and the shared boundary this is not unusual, the gap would still provide a degree of separation between the properties.

9. The Council do not raise concern with the proposed front canopy or the single storey rear extension in terms of character and appearance, from the details before me I do not disagree.
10. Whilst the proposed development would reduce the symmetry of the appeal site and the attached neighbouring property, No. 11, given the varying forms of development within the immediate area, I find that the proposed development would not harm the character and appearance of the host property and area in general.
11. There is no conflict with Policy LP24 of the Kirkless Local Plan Strategy and Policies (2019) (the Local Plan) which seek amongst other things for developments to respect the character of the townscape and be subservient to the original building in term of scale, materials and details. Similarly, there is no conflict with Key Design Principles 1 and 2 of the SPD which echo the aims of Policy LP24.
12. There is also no conflict with the Framework which seeks amongst other things to ensure developments are of good design.

Living Conditions

13. The proposed single storey rear extension includes a window facing towards the shared boundary with No. 11 Springwood Hall Gardens. A fence is partially erected beyond the rear elevation of the properties screening to a degree views between properties. There is potential for the window to overlook No. 11 despite the distance from the boundary.
14. The Appellant has confirmed it is their intension to erect a fence along the full boundary shared with No. 11. Subject to the design and height of the fence, which can be controlled by the imposition of a planning condition the proposed development would not harm the living conditions of the occupiers of No. 11 Springwood Hall Gardens.
15. The proposal would not conflict with Policy LP24 of the Local Plan and the SPD which seek amongst other things to protect the amenities of existing occupiers of neighbouring properties. There is no conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Highway Safety

16. The proposed development would remove the existing attached garage and would reduce the length of the driveway. The Council confirm that as a result of the development on-site parking would only be available for one vehicle.
17. The Kirklees Highway Design Guide, Supplementary Planning Document (2019) highlights that the Council has not set local parking standards for residential and non-residential development. However, as an initial point of reference for residential developments a new 4+ bedroom dwellings should provide three off-street spaces.
18. The Appellant has drawn my attention to properties in the immediate area which use the front garden for off street parking. The Appellant has provided a plan demonstrating that 3 vehicles could be accommodated on the area to the

front of the appeal site, which could be controlled by the imposition of a planning condition.

19. I conclude that the proposed development, subject to the provision of on-site car parking would not harm highway safety. There is no conflict with Policies LP21 and LP22 of the Local Plan, which amongst other things seeks to ensure safe and efficient access and free flow of traffic within a development and on the surrounding highway network, and adequate off street parking is provided.

Conclusion and Conditions

20. For the above reasons I conclude that this appeal should be allowed.
21. I have imposed conditions relating to the standard time limit for commencement of development and plans to be adhered to as this provides certainty. I have also added a condition concerning materials to ensure a satisfactory appearance.
22. To ensure that overlooking does not occur I have imposed a condition relating to the erection of a fence along the shared boundary with No. 11 Springwood Hall Gardens.
23. In order to ensure adequate off-street parking is provided I have attached a condition relating to the provision and retention of parking spaces to the front of the appeal site.

C Pipe

INSPECTOR