

Appeal Decision

Site visit made on 13 May 2024

by P Eggleton BSc(Hons) MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23rd May 2024

Appeal Ref: APP/A4710/D/24/3340420

192 Highroad Well Lane, Halifax HX2 0LQ

- 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 Asif Hussain against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref 23/01032/HSE, dated 6 October 2023, was refused by notice dated 18 December 2023.
 - The development proposed is a rear single storey kitchen extension between rear of property and existing garage.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the living conditions of the residents of 194 Highroad Well Lane with regard to light and outlook; and the effect on the character and appearance of the area.

Reasons

3. The proposal would link the house to the existing garage. For the neighbouring residents this would result in a 2.5 metres high wall along the shared boundary. That property has a wide rear facing window set marginally in from the boundary. The outlook from that window is already constrained to some extent by the neighbouring garage but this proposal would reduce the outlook further. The neighbouring rear garden is already relatively enclosed. This is partly due to the rear extension to that house but it is further enclosed by the appeal property's garage. The proposal would constrain the outlook from this area further. Whilst the very rear of that garden has a more open aspect, the proposal would unacceptably reduce the outlook of the residents of 194 Highroad Well Lane when in both their house and part of their rear garden.
 4. The proposal would only reduce direct sunlight to the rear of the neighbouring property during early summer mornings. Although this impact would be limited to only a short period of time in the summer months, this is the only direct sunlight experienced in the immediately adjoining area of the neighbouring garden. This reduction adds to my main concern. Given the aspect, ambient lighting is unlikely to be significantly changed.
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5. It is proposed that the existing narrow lean-to extension would be retained and the new extension would adjoin it. The new element would have a flat roof and would extend to the garage which has a pitched roof. It is not entirely clear how these differing roof structures would relate to each other. The new element would reflect the detail of the neighbouring extension which is currently evident, although of little wider prominence. Whilst not of any design quality, the proposed works would represent a functional new element, also with limited wider prominence, given its size and position between the higher garage and house. Given that the works would be to the rear and set back from the side elevation; and positioned well back from the side road, the use of a flat roof would not be out of keeping in this context.
6. Whilst the proposal would not meet the high design expectations of policy BT1 of the Calderdale Local Plan 2023, it would not result in significant harm to the character or appearance of the area. Any conflict with the policy would be outweighed by the benefits of the improved accommodation. There would however be clear conflict with the objectives of policy BT2 with regard to the amenities of the neighbouring residents. It would be at odds with the requirement to avoid impacts on private amenity space and to a limited extent, with regard to the loss of direct sunlight. Whilst the policy wording does not refer to outlook, the supporting text seeks to ensure that development is not overbearing on the outlook from dwellings. The proposal would also conflict with the National Planning Policy Framework 2023 which seeks a high standard of amenity for existing and future users.
7. I have had regard to the matters put forward by the appellant and I have concluded that the works would not be harmful to the character and appearance of the area. However, I conclude that the harm to the living conditions of the residents of 194 Highroad Well Lane, particularly with regard to outlook, would be unacceptable. The matters in favour of the proposal do not outweigh this concern. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR