

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: 24th May 2024

Appeal Ref: APP/Z4718/D/24/3342457

14 Bankfield Terrace, Outcote Bank, Huddersfield HD1 3HW

- 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 Brenda Montrose against the decision of Kirklees Council.
 - The application 2023/62/92827/W, dated 20 October 2023, was refused by notice dated 7 February 2024.
 - The development proposed is a single storey side extension and internal alterations to create improved living conditions for a person with a disability.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect on the character and appearance of the area; and the effect on the living conditions of the residents of 16 Bankfield Terrace with regards to loss of privacy and outlook.

Reasons

3. The existing dwelling and its neighbour, 16 Bankfield Terrace, are unusual in that they are built above the lower houses, 2 and 4 Bankfield Road. The two upper houses have no rear gardens as they are effectively on the third floor when viewed from Bankfield Road. These properties are set high above and beyond a high retaining wall alongside Outcote Bank which is the main road. Whilst there is some vehicular access along Bankfield Terrace from Outcote Bank, this becomes only a pedestrian path in front of these two houses. They have front gardens which adjoin the pedestrian access. The appeal property has some land beyond the retaining wall that bounds the north of the front garden. The narrow side garden has been created by the use of a further retaining wall which supports the rising land beyond.
 4. The proposal would remove most of the first retaining wall which adjoins the northeast corner of the house and runs along the north edge of the front garden. The access through the wall at the end of the pedestrian access would be retained. The proposal would result in a single storey building which would have its front elevation forward of the corner of the house taking up a small part of the existing front garden. It would have a shallow mono-pitch roof and
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it would extend towards the second retaining wall, leaving a gap to the rear for access.

5. The new structure would have a raised floor level compared to the front garden and as a result, the roof would extend almost to the height of the first floor windows. It would be above the level of the front door and its detailed ornate surround. The tops of the full height bi-fold doors would be well above the adjacent window in the front elevation and level with the former retaining wall. As the structure would extend the full length of the front garden at this significant height, it would be a very dominant new feature. Although the contemporary design would clearly distinguish it from the historic stone frontage of the house, its overlap with the frontage, together with its scale and height, would detract significantly from the period detailing and proportions of the front elevation of the property.
6. Given the height of these properties above the adjacent road, the extension would not be evident from it. It may be possible to view its upper elements from Bankfield Road when approaching the traffic lights, but it would not be prominent, particularly whilst the vegetation in the neighbouring garden remains. However, it would be prominent in views from the pedestrian access to the front of these properties. In these views, it would be extremely dominant and would detract from the character and appearance of this small area. Although its forward position and depth may be necessary for accessibility within; and to continue to allow access to the rear without passing through the proposed extension, the height combined with the forward position of the new frontage would represent poor design in this particular context and would detract from the character and appearance of these properties and the very immediate area.
7. Although the wider impact would be limited, it would nevertheless, be contrary to policy LP24 (a & c) of the Kirklees Local Plan 2019 (LP) as the form, scale, layout and details of the development would fail to respect or enhance the character of the townscape; and although of a limited scale compared to the house, it would nevertheless be a dominant feature rather than being subservient to the original building. There would also be conflict with Key design principles 1 and 2 of the House Extensions and Alterations Supplementary Planning Document 2021 (SPD) as it would not be in keeping with the appearance, scale, design and local character of the area; and it would dominate the appearance of the property. The National Planning Policy Framework 2023 is clear that development that is not well designed should be refused.
8. The proposal would introduce activity at a higher level, above that of the existing garden. The distance from the neighbouring garden is relatively small. This activity, especially with the scale and nature of the bi-fold doors, particularly when open, would be unacceptably intrusive when using the neighbouring front garden or accessing its front door. The amount of garden taken up by the steps to the bi-fold doors would also reduce the potential use of the garden for sitting out and encourage the use of the higher floor area within the kitchen. I appreciate that the existing garden offers the opportunity to sit out and that neither garden is private from the other. However, having this new higher floor level and open frontage, in such close proximity, particularly with the doors open, would be unacceptably imposing. The use of

the room in the evening with the lights on, would also be intrusive at such close range. It would increase the perception of being overlooked and it would be overbearing and obtrusive, unacceptably harming the outlook from the neighbouring garden. The proposal would be at odds with the element of LP policy LP24b which requires a high standard of amenity for neighbouring occupiers. It would also conflict with the SPD's Key design principles 3 and 6 which require reasonable levels of privacy for neighbours; and seeks to avoid unduly reducing the outlook from a neighbouring property.

9. It has been suggested that privacy screening could be provided with regard to the neighbouring property. It is not clear what this would entail but without such details, I would be concerned that this, in itself, may reduce the outlook from the neighbouring property and detract from the appearance of the area. It has also been suggested that a flatter roof could be incorporated but without reducing the floor level of the extension, I am not satisfied that this would overcome concerns relating to its overall scale or its forward position. I am mindful that the existing retaining wall is already a prominent feature, as is the garden pagoda which would be removed. Whilst these effectively orientate the garden towards the neighbour and encourage its use, this would also be the result of the proposed works, albeit with significantly greater harm.
10. It is evident that the proposal is designed to provide improved accommodation for a person with disabilities. At present, access is only available to the house by the stepped front door. There are no bedrooms or bathroom facilities on the ground floor. This proposal would provide an additional access, replacing the existing front window. The ground floor kitchen would be converted to an accessible bedroom, which although having a limited outlook due to the lack of external windows, would have a more direct access from the new doors. A short ramp would provide access to the new extension which would provide a new accessible bathroom. The former kitchen would be replaced in the new extension and this too, would be accessible. The proposed layout appears to represent a well thought out response to meet the requirements, particularly given the significant constraints of the property.
11. I am very mindful of the requirements of Section 149(1) and (3) of The Equality Act 2010 and the need to remove or minimise disadvantages and to take steps to meet the needs of persons who have a relevant protected characteristic. This requirement and the benefits of improved access provide considerable weight in favour of the proposal. The benefits of the potential achievement of accessible accommodation to the family, with regard to accessible and shareable spaces, adds further weight to the proposal. This also gains support from LP policy LP24 (b & f) which seek high standards of amenity for future occupiers; and the need to ensure the needs of a range of different users, including disabled people, are met. The Framework similarly seeks places that are inclusive and accessible; and which promote health and well-being.
12. I have been provided with very little information with regard to the current occupants or the needs of the person with the protected characteristics. There is also no information in relation to the practicality or potential for reducing the impact of the development with regard to its floor levels and height. I am not clear why the currently proposed full height glazed doors, whilst a potentially attractive feature with regard to the users of the kitchen, could not be replaced

by a much less intrusive arrangement with regard to the impact on the neighbouring residents. Retaining the level garden area for sitting out and replacing the bi-fold doors, so reducing the potential to look directly down from within the kitchen would be much less intrusive for the neighbours without apparently altering the accessibility of the proposed accommodation.

13. I afford very considerable weight to the proposed accessible accommodation and the needs of those that would be able to use it. However, given the current design, these benefits would be achieved at the expense of the neighbouring residents, although I appreciate that no objection has been received in that regard. Some of this harm could be substantially reduced by changing the fenestration. Greater justification would also be required for the scale, height and position of the works necessary. I therefore conclude that whilst there would be considerable benefits, they are not, based on the current design, sufficient to outweigh my concerns particularly with regard to the amenities of the neighbouring residents, but also the additional harm to the character and appearance of these buildings and this area. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR