



Appeal Decision

Site visit made on 14 May 2024

by B Astley-Serougi BA(Hons) LLM MSc MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 June 2024

Appeal Ref: APP/Z4718/D/24/3338579

20 St. Marys Avenue, Batley, WF17 7AP

- 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 Mr Yahya Akudi against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2023/62/93625/E.
 - The development proposed is extension and alterations to dwelling.
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Decision

1. The appeal is allowed and planning permission is granted for extension and alterations to dwelling at 20 St. Marys Avenue, Batley, WF17 7AP in accordance with the terms of the application, Ref 2023/62/93625/E, 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: 23.2740.02A
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issues

2. The effect of the development on the character and appearance of 20 St. Marys Avenue and the surrounding area.

Reasons

3. The appeal site is in an established residential area. St. Marys Avenue consists of a mix of semi-detached and detached properties with predominantly open frontages and significant gaps between properties. Resulting in an open character to the Avenue. Bay windows are also a predominant feature within the street scene.
4. The appeal property is semi-detached and set back significantly from the pavement. The development would create a rear extension and a garage adjoining the existing side elevation.
5. The side extension would project beyond the existing front elevation. The gap between the 20 St. Marys Avenue (No.20) and 22 St. Marys Avenue (No.22)

would be retained on the first-floor level. The bay window is maintained and will still be a prominent feature. The rhythm of the properties on St Marys Avenue are clearly defined by the gaps and bay windows. Therefore, the addition of the development does not disrupt this pattern. It does not result in a design that harms the character of the original property nor the street scene.

6. No.22 is on a higher land level than No.20 and the roof design is shallow in pitch resulting in a subordinate design. Consequently, the land level in addition to the design of the development retains a significant gap between No.20 and No.22. This provides a visual break between the properties and upholds the open character of the street scene.
7. The Council have referred to other developments that have been set back in St. Marys Avenue close to the appeal site. I acknowledge that a setback can help provide a subservient design. However due to the single storey design and the difference in land levels, the design of the development is subservient and the gap is retained. Consequently, this does not constitute harm to the character and appearance of 20 St. Marys Avenue and the surrounding area.
8. For the above reasons I conclude that the extension and alterations would not have a harmful effect on the character and appearance of 20 St. Marys Avenue and the surrounding area. Therefore, the development would not conflict with policy LP24 of the Kirklees Local Plan which requires that extensions are of a high level of design and in keeping with the surrounding area and existing buildings. The development would also accord with Key Design Principles 1 and 2 of the 'House Extensions and Alterations' Supplementary Planning Document 2021 and the National Planning Policy Framework which seek to ensure that the design of developments assimilate and respect the character of the building and wider area.

Conditions

9. A condition relating to matching materials, as set out in the application form, is necessary to ensure that the development will assimilate with the host property.

Conclusion

10. For the reasons given above the appeal should be allowed.

B Astley-Serougi

INSPECTOR