



Appeal Decision

Site visit made on 17 June 2024

by H Marriott MPlan MRTPI

an Inspector appointed by the Secretary of State

Decision date: 2nd July 2024

Appeal Ref: APP/Z4718/D/24/3343343

54 Craven Lane, Gomersal BD19 4QU

- 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 Mrs Sharon Dixon against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2024/62/90059/E.
 - The development proposed is described as: 'lifting of eaves and ridge to form habitable first floor accommodation and erection of single storey rear extension with associated internal and external works.'
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposal on:
 - the character and appearance of the area; and
 - the living conditions of the occupants of 52 and 56 Craven Lane, with particular regard to outlook and light.

Reasons

Character and Appearance

3. Craven Lane is a sloping route fronted by residential properties of varying age and architectural style, including bungalows, dormer bungalows, terraced dwellings and detached two-storey dwellings. Due to the topography, some are split level and have a greater number of storeys to the rear. The predominant building materials comprises brick and stone with tile roofs with the occasional use of use of cladding and render. Due to the local topography, wider views out to the surrounding landscape are gained along the route, whilst a strong building line and stepped roof line are evident along most of the south side of Craven Lane. Therefore, despite the variety of development in the area, the overall consistency in development rhythm, materials and response to the hillside made a positive contribution to the character and appearance of the area.
4. The appeal site (No 54) is located mid-way along the south side of Craven Lane and along with the neighbouring dwelling at No 56, is a detached split level dwelling that appears as a bungalow when viewed from the street and two storey when viewed the rear. Both No 54 and 56 occupy a narrow footprint set

back behind front gardens consisting of off-street parking areas. The modest scale, materials and relationship with neighbouring dwellings means that No 54 is unassuming in the street scene and sits comfortably with the character and appearance of the locality.

5. The proposal would involve raising the roof level of No 54 to facilitate the provision of first floor accommodation, as well as a single-story extension to the rear. The proposed development would maintain a stepped roof line with an overall height part way between No 52 and No 56. Even so, the change to the front elevation including the high eaves and shallow roof pitch would cause No 54 to appear monolithic next to No 56, especially in the context of No 54's modest scale, lower ground level and position adjacent to the appeal site.
6. Whilst the materials would be similar to those on No 52, the appeal site is on a much narrower plot by comparison, and the appeal dwelling would not replicate its lower eaves height and use of dormer window and smaller gable features which reduce its vertical emphasis. Rather, the proposed use of render, dark timber cladding and full height glazed windows, would appear starkly contemporary and uncomfortably out of place. Consequently, the proposal would result in an incongruous and striking addition to the appeal dwelling and the street.
7. I conclude that the proposal would have a harmful effect on the character and appearance of the area. Conflict therefore arises with Policy LP24 of the Kirklees Local Plan Strategies and Policies (2019) (LP) insofar as it requires the form, scale, layout and details of development to respect and enhance the character of the townscape and in keeping with the existing buildings in terms of scale, materials and details. There would also be conflict with the guidance within the Council's House Extensions and Alterations SPD (2021) (SPD) which seeks to ensure extensions are in keeping with the appearance, scale and design of the street scene and not dominate the original house and be in keeping with the existing building in terms of scale, materials and detail.
8. For the same reasons, the appeal proposal conflicts with the National Planning Policy Framework, December 2023 (the Framework), which seeks to achieve well-designed and beautiful places.

Living Conditions

9. The main outdoor private garden at ground floor level serving No 56 is adjacent to its rear elevation with slightly restricted views towards the appeal site due to the higher ground and the boundary fencing which divides the two gardens. There is also a balcony located at first-floor level on the side of the garden furthest away from the appeal dwelling.
10. The proposed rear extension would replace an existing extension, albeit on a slightly larger footprint. A terrace is proposed at first floor level above it, which would feature a glazed balustrade and an obscure glazed screen closest to No 56. Owing to the higher ground level of the appeal site relative to No 56, the terrace height would be above the height of the first-floor windows serving the rear of No 56. Despite this, the extensions limited projection would mean that it would only be seen in oblique angles from the rear window serving No 56. The rear extension would sit alongside a small proportion of the shared garden boundary overall and the main outdoor private garden area including seating areas serving No 56 are not positioned immediately adjacent to it. As such, the

proposal would not materially alter the existing outlook from the rear window of No 56 or from its balcony towards its long garden or from within its rear garden area. The proposal would not therefore result in an overbearing impact for the occupiers of No 56.

11. The Council have suggested that the 3D shadow plans submitted by the appellant do not accurately show land levels. However, the proposed plans indicate that the glazed balustrades and obscure glazed screens to the terrace would allow light through. Therefore, even accounting for the respective land levels that I observed on site, the minimal projection from the existing rear elevation of No 54 would be unlikely to result in any harmful degree of overshadowing impact or material loss of light to the rear window of No 56 or its main outdoor private garden area.
12. The proposed extension would make the appeal dwelling more obvious in views from Nos 52. However, owing to the rising nature of Craven Lane, No 52 sits on an elevated position and has an intervening outbuilding which provides a degree of separation between its ample sized main outdoor private garden area and the appeal dwelling. I am therefore satisfied that the proposed development would not have an overbearing impact and therefore there would not be harm to the living conditions of the occupiers of No 52 in respect of outlook.
13. I therefore do not consider that the proposed development would harm the living conditions of the occupiers of Nos 52 and 56 with particular regard to outlook and light. There would be no conflict with Policy LP24 of the LP insofar as it requires proposals to provide a high standard of amenity for neighbouring occupiers. For the same reasons, there would be no conflict with guidance in the SPD which requires extensions and alterations to not unduly reduce outlook or the amount of natural light enjoyed by a neighbouring property. The appeal proposal also accords with the Framework as it requires development to have a high standard of amenity for existing and future users.

Other Matters

14. The erection of an additional storey at No 54 has been approved by the Council (LPA ref 2023/CL AA/93278/E) (the prior approval scheme). However, while the prior approval scheme would see an increase in scale and massing of No. 54 that would be perceptible from Craven Lane, the approved drawings show a markedly different design compared to that before me. Notably, whilst the eaves height of the appeal proposal would be slightly lower, it would incorporate a greater depth extension and utilise markedly different fenestrations details. Therefore, while the prior approval scheme indicates that the principle of upward extension to No. 54 may be acceptable, it does not justify the harm to the character and appearance of the area that I have identified in this case.
15. The appellant has stated that environmentally friendly construction methods, electric vehicle charging, green roofing and bat boxes are proposed and represent benefits of the development. However, there is no reason why similar measures could not be introduced on an extended property without the harm to the character and appearance that the current design proposal would cause.
16. The appellant has provided examples of a rendered and gable windowed front elevation on Church Lane. Although I do not know the planning circumstances

behind the example given, is not on Craven Lane and differs from the appeal proposal in terms of its lower height, extent of glazing and relationship with adjacent neighbours. In any event, I have considered the development on its own merits and site-specific circumstances.

Conclusion

17. The proposed development conflicts with the development plan as a whole and the material considerations do not indicate that the appeal should be decided other than in accordance with it. For the reasons given above, I conclude that the appeal should be dismissed.

H Marriott

INSPECTOR