



Appeal Decision

Site visit made on 15 May 2024 by Darren Ellis MPlan MRTPI

Decision by Mr R Walker BA HONS DIPTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 July 2024

Appeal Ref: APP/A4710/D/24/3337655

71 Haigh Street, Halifax, Calderdale HX1 4BB

- 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 Mrs S Akhtar against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 23/01031/HSE.
 - The development proposed is a front extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by a representative of the Inspector whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the neighbour at 69 Haigh Street (No 69) with particular regards to outlook and light.

Reasons for the Recommendation

4. The proposed extension would be constructed adjacent to the boundary and in close proximity to a front window at No 69. The extension would project 2.3m forwards of this window. The appeal documents indicate that this window serves a kitchen. The appellant refers to kitchens as being secondary rooms. However, kitchens are generally regarded, and defined in Annex 2 of the Calderdale Local Plan (2023) (LP), as a habitable room and it is a space where residents may expect to spend a significant amount of time. Consequently, it is important to retain a reasonable outlook and level of daylight in the interests of the living conditions of any occupants.
 5. Owing to its scale and proximity to No 69, and the degree to which it would extend beyond the front elevation, the proposed extension would fail to comply with the 45-degree rule as set out in LP Annex 2. The extension would be an imposing structure that would cause a significant sense of enclosure as well as reducing the outlook from the kitchen window by an unacceptable degree. Moreover, the level of natural light received by the kitchen window would be diminished, adding to the harm caused by the sense of enclosure and loss of outlook. This would be exacerbated by the positioning of the proposed
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extension to the south of No 69, as the extension would likely reduce the amount of sunlight received by the window during the middle of the day when the sun is to the south of the properties, and this would be more noticeable during the winter months when the sun is lower in the sky.

6. Planning permission for a similar-sized front extension has been granted nearby at 80 Hartley Street¹. At the time of my site visit this extension had not been constructed. The approved extension would be positioned to the north of the nearest window of the neighbouring property, and as such would not have any significant impact on the amount of sunlight received by the neighbouring window. Consequently, the approved extension at No 80 is not directly comparable to the proposal before me, and I do not consider that this permission should justify the harm to the living conditions of the occupiers of No 69 that would arise from the appeal proposal.
7. I therefore conclude that the proposal would cause harm to the living conditions of the occupiers of 69 Haigh Street as a result of the loss of outlook and light. The proposal would therefore be contrary to LP Policy BT2, which requires development to not result in a significant adverse impact, including to daylight, to adjacent residents. The proposal would also fail to comply with the requirements of LP Annex 2.

Other Matters

8. The absence of harm in relation to other matters such as the materials does not outweigh the harm I have identified.

Conclusion

9. There are no material considerations which indicate that a decision should be made other than in accordance with the development plan. I therefore recommend that the appeal be dismissed.

Darren Ellis

APPEAL PLANNING OFFICER

Inspector's Decision

10. I have considered all the submitted evidence and my representative's recommendation and on that basis the appeal is dismissed.

Mr R Walker

INSPECTOR

¹ Planning application ref. 23/00231/HSE