



Appeal Decision

Site visit made on 15 July 2024

by C Skelly BA (Hons) MSc MA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 6 August 2024

Appeal Ref: APP/Z4718/D/24/3342923

5 Forge Lane, Norrithorpe WF15 7AU

- 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 S Gibbins against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2024/62/90211.
 - The development proposed is a two-storey side extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the living conditions of the occupiers of No.3 Forge Lane with particular regard to outlook and daylight.

Reasons

3. The appeal site is a two-storey, detached brick built, stone fronted property with a front garden and driveway along the side. On the side elevation which faces onto No 3 Forge Lane there is a small window at first floor level and a part glazed door.
4. It is one of five properties of a similar design located along a narrow access road. Their design is distinct from others in the immediate local area, and they have a prominent appearance within the street scene. The wider area is predominantly residential.
5. The proposal is for a two-storey side extension, which would be stepped back from the main elevation by 2.2m and leave a gap of 1m between it and the side elevation of No 3. There are no new windows proposed on the side elevation facing No 3. The side elevation of No 3 is right on the boundary of the host property.
6. Policy LP24 of the Kirklees Local Plan (LP) requires extensions to minimise the impact on the residential amenity of neighbouring occupiers. The House Extensions and Alterations Supplementary Planning Document (HESPD) sets out greater details for developers on extensions and alterations to residential properties. Key Design Principles 5 and 6 amongst other things say that extensions and alterations should not adversely affect the amount of natural light presently enjoyed by a neighbouring property and should not unduly reduce the outlook from a neighbouring property.

7. The neighbouring property, No 3 Forge Lane has two windows which face out onto the side elevation of No 5, opening out over its driveway. One of these windows is to a bathroom and the other to a bedroom. The Officer Report says the bedroom window has obscured glazing.
8. Although the proposed extension would be stepped back from the main front elevation, it would only be 1m away from the windows on the side elevation of No 3. The bedroom is a habitable room. The proximity of the proposal would reduce the levels of daylight entering this room at all times of the day, thereby harming the living conditions of the occupiers at No 3.
9. Due to the proximity and height of the building line of No 5 and the obscured glazing of the bedroom window there is limited existing outlook. Therefore, I do not consider that the proposal would cause further harm to the occupiers of No 3 with regards to outlook.
10. I noted from my site visit that there are similar extensions in the local area, however these do not have windows which directly open out onto them. I also note that the Council does not consider that the proposal would represent any additional harm in terms of highways safety, nor harm to the living conditions of other neighbouring occupiers. Nonetheless these circumstances do not provide sufficient justification to outweigh the harm identified above.
11. The appellant has brought my attention to the alleged unauthorised nature of the windows on the side elevation of No 3. I have no details of what has been approved, but if the appellant is correct, I note that this should have included the insertion of a rooflight, which would have increased daylight into the bedroom. From the information before me, it would appear that the decision was made several years ago and therefore the windows are likely to have been in place for some time. Nevertheless, these circumstances do not alter my decision.
12. I conclude that the proposal would harm the living conditions of the occupiers of No.3 Forge Lane with regard to daylight. The proposal is therefore contrary to Policy LP24 of the LP, KDP5 and KDP6 of the HESPD, which seek to ensure proposals do not cause harm to occupiers of neighbouring properties.
13. The proposal also conflicts with the paragraph 135 (f) of the National Planning Policy Framework which requires new development to create places with a high standard of amenity for existing and future users.

Conclusion

14. The proposal 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.
15. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR