
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: 23 August 2024

Appeal Ref: APP/Z4718/W/24/3342239

14 Thornhill Park Avenue, Dewsbury WF12 0DA

- 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 Amir Azam against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2023/62/91577/E.
 - The development proposed is erection of detached dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. I saw from my site visit that development has begun and the proposal is substantially complete. I have dealt with this appeal on the basis that permission is being sought retrospectively for the erection of the dwelling.
3. The appellant has confirmed that both Nos 12 and 14a Thornhill Park Avenue are in his ownership, albeit this is not indicated on the location plan.

Main Issues

4. The main issues are:
 - the effect of the development on the character and appearance of the area
 - the effect of the development on the living conditions of the occupiers of Nos 12 and 14a Thornhill Park Avenue with particular reference to daylight and privacy.

Reasons

Character and Appearance

5. The site is the plot of a former dwelling, located towards the end of a residential cul-de-sac. The local area is characterised by a mix of detached stone-built bungalows and two-storey dwellings. The cul-de-sac slopes downwards towards the appeal site and therefore the site is prominent when viewed from the junction with Thornhill Park Avenue and within the street scene.
6. The site is located between No 12, a detached bungalow, and No 14a which is a gable fronted two-storey property, with integral garage and a balcony running along its entire width. No 16, the other detached property on the cul-de-sac, is a gable fronted dwelling with a recessed cross gable and integral garage.

Although the detached dwellings are of differing architectural design there is some consistency in the style of the bungalows, which provides a uniform appearance to the cul-de-sac.

7. The new development replaces the previous, modest two-storey dwelling with a substantially larger, gable fronted dwelling with three bedrooms. The new dwelling sits forward of No 12, with No 14 sitting at a different angle.
8. Planning permission had been granted for single and two-storey extensions to the former building. However, the new dwelling is significantly larger than the scale and massing of the original dwelling even with these approved extensions. The new dwelling has a similar footprint in terms of width to the previous dwelling, but as this is now gable fronted, its overall bulk and massing appears much greater. As a result, it appears incongruous alongside the other more modest two-storey dwellings in the cul-de-sac. As its depth extends much further to the rear it creates a large expanse of flank wall, which further exacerbates its bulky appearance.
9. The development has a single roof span running across the whole two-storey element, with a single-storey section to the rear. This creates an expansive area of roof which appears discordant within the street scene, interrupting its uniformity.
10. Consequently, the development harms the character and appearance of the area and thereby conflicts with Policy LP24(a) of the Kirklees Local Plan Strategies and Policies (2019) (LP) and Principle 2 of the Housebuilders Design Guide Supplementary Planning Document (2021), which seeks amongst other things to achieve good quality, visually attractive sustainable design, which corresponds with the scale of development in the local area.
11. The proposal would also conflict with paragraph 135(c) of the National Planning Policy Framework (the Framework) which seek to ensure new developments are sympathetic to local character.

Living Conditions

12. Policy LP24(b) of the LP requires extensions to minimise the impact on residential amenity of neighbouring occupiers. The SPD provides guidance on the separation distances for two-storey dwellings which says that there should normally be a minimum of two metres distance from the side wall of the new dwelling to a shared boundary.
13. The new dwelling has a single roof span running across the whole two storey element, which is less than 2.5m from the side elevation of No 12. The overall scale and close proximity with No 12, has an oppressive impact on this modest bungalow. In addition, No 12 has a window on the side elevation facing the replacement dwelling, serving a bedroom, which is a habitable room. I note that this window has been inserted as part of a recently approved single storey rear extension. The two-storey element of the new dwelling extends further to the rear than the original property so that this window now faces directly onto its side elevation. The proximity of the two-storey element of the replacement dwelling results in an unacceptable loss of daylight to this habitable room.
14. During my site visit there was no boundary treatment between the properties, and this is not indicated on the submitted plans. Depending on the details of this there may also be a loss of privacy for the occupiers of No 12.

15. No 14a is set at an angle to the new dwelling and has a number of openings on the side elevation overlooking the appeal site. I do not consider that there would be loss of daylight or privacy within the habitable rooms of No 14a given the angle and distance between the two properties.
16. Consequently, the development harms the living conditions of No 12 with particular reference to daylight and privacy, it thereby conflicts with Policy LP24(b) of the LP and Principle 6 of the SPD, which seek amongst other things to ensure new development provides high standards of amenity for future occupiers.
17. The proposal would also conflict with paragraph 135(f) of the Framework which seeks to create places with a high standard of amenity for existing and future users.

Planning balance and conclusion

18. The development has had a harmful impact on the character and appearance of the area and the living conditions of neighbouring occupiers. The scheme therefore conflicts with the development plan taken as a whole.
19. I recognise that redevelopment of the site was necessary due to the original dwelling being storm damaged and that the scheme delivers a more modern dwelling. However, these material considerations do not justify the harm or indicate a decision otherwise than in accordance with the development plan.
20. For the reasons given above the appeal should be dismissed.

C Skelly

INSPECTOR