



Appeal Decision

Site visit made on 15 December 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 19 December 2024

Appeal Ref: APP/Z4718/D/24/3352992

31 Park Hill, Bradley, Kirklees, Huddersfield HD2 1QG

- 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 Leasa Tucker against the decision of the Kirklees Metropolitan Council.
 - The application 2023/62/93241/W.
 - The development is erection of first floor front and side extension with dormers to front elevation, single storey rear extension of existing garage and associated alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council changed the description of development from that stated on the application form. In the interests of clarity, I consider that the amended description accurately describes the appeal scheme and accordingly I have adopted the amended description in the heading above.
3. An amended plan was submitted during the application process which included lowering the roof line of the first-floor extension and reducing the depth of the extension above the existing garage, the amended plan was considered by the Council. I have therefore considered this appeal on the basis of the revised plan.
4. Since the determination of the application the National Planning Policy Framework (2023) has been superseded by the National Planning Policy Framework (2024) (the Framework). However, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of this change in policy.

Main Issues

5. The main issues in this appeal are the effect of the development on (i) the character and appearance of the host property and area in general and (ii) the living conditions of the occupiers of the neighbouring property No. 33 Park Hill.

Reasons

Character and Appearance

6. The appeal site is a detached two storey house within a predominantly residential area. Properties vary in terms of design within the area, comprising predominantly detached properties. Notwithstanding the variation in design there is a harmony in terms of materials used.
7. The proposed first floor extension above the existing garage would match the eaves height of the existing property with the roof line stepped down from the existing roof. The proposed development would introduce a triple pitched roof feature to the front which would be incongruous to the host property and surrounding area.
8. The proposed development would not be set back at the front, this combined with the contrived roof design would result in a development which would not be subservient to the existing property.
9. The Council did not raise concern with regard to the single storey rear extension in terms of character and appearance, from the details before me I do not disagree.
10. Notwithstanding this I find that the proposed development would harm the character and appearance of the host property and area in general.
11. There is conflict with Policies LP2 and LP24 of the Kirklees Local Plan Strategy and Policies (2019) (the Local Plan) which seeks amongst other things for developments to respect the character of the townscape and be subservient to the original building in term of scale, materials and details. Similarly, there is conflict with Key Design Principles 1 and 2 of the House Extensions and Alterations SPD (2021) (the SPD) which echo the aims of Policy LP24.
12. There is also conflict with the Framework which seeks amongst other things to ensure developments are of good design.
13. The appellant has drawn my attention to the approval of two storey extensions within the area. These are of a different design and based on my observations from my site visit are not comparable to the proposal before me. Notwithstanding this each development must be considered on its individual merits, and I have reached my conclusion based on the individual merit of the appeal proposal.

Living Conditions

14. The appeal site is set back from the highway on the plot, No. 33 Park Hill is set significantly forward from the built form of the appeal property. The proposed first floor extension is located above part of the existing garage with the ground floor extension projecting beyond the existing garage/store to the rear.
15. Whilst the amended plan seeks to mitigate the effect of the development on the neighbouring property, due to the stagger between properties the bulk of the first-floor extension would be prominent and overbearing to the neighbouring occupiers.
16. I conclude that the proposed development would harm the living conditions of the occupiers of No. 33 Park Hill.
17. The proposal conflicts with Policy LP24 of the Local Plan and the SPD which seeks amongst other things to protect the amenities of existing occupiers of neighbouring properties.

18. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.
19. The Council contend in reason for refusal number 2 that there is conflict with Policy LP2 of the Local Plan. Policy LP2 relates to the protection and enhancement of the qualities which contribute to the character of places and does not appear to relate to the impact a development could have on a neighbouring property.

Other Matters

20. The appellant has highlighted that the proposed development is required due to the personal circumstances of the occupants. I have not been provided with evidence to demonstrate that the proposed development would be the only way to fulfil the needs of the appellant, I therefore give this limited weight.

Conclusion

21. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR