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## 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**

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**Appeal Ref: APP/Z4718/D/24/3354316**

**13 Crescent Walk, Ravensthorpe, Kirklees WF13 3BG**

- 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 Mr Tahir Hussain against the decision of the Kirklees Metropolitan Council.
  - The application 2024/62/92374/E.
  - The development is Proposed Part-Two Part-Single storey rear extension, Two storey side extension, front extension, and loft conversion with a dormer to front.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. Since the determination of the application the National Planning Policy Framework (2023) has been superseded by the National Planning Policy Framework (2024) (the Framework).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

3. 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. 53 The Crescent.

### Reasons

#### *Character and Appearance*

4. The appeal site is a semi-detached two storey house within a predominantly residential area. Properties vary in terms of design within the area, with many extended or altered.
5. The proposed first floor side extension would be stepped down from the existing roof and set back slightly from the front elevation, in isolation that element of the proposal is considered acceptable by the Council.
6. The two storey rear extension would cover most of the proposed extended rear elevation. The mass and design of the proposed development would be

disproportionate and not subservient to the existing property which would be incongruous to the host property and surrounding area.

7. The Council did not raise concern regarding the single storey front extension and front dormer in terms of character and appearance, from the details before me I do not disagree.
8. Notwithstanding this I find that the proposed development would harm the character and appearance of the host property and area in general.
9. There is conflict with Policy 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.
10. There is also conflict with the Framework which seeks amongst other things to ensure developments are of good design.
11. The appellant has drawn my attention to the approval of extensions within the area. Limited information has been submitted to allow comparison 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*

12. The appeal site has limited rear private amenity space due to the depth of the garden area. The proposed development would extend the built form closer to the rear boundary shared with No. 53 The Crescent.
13. Due to the relationship between the appeal site and No. 53 the bulk of the rear two storey extension would be prominent and overbearing in terms of outlook for the neighbouring occupiers.
14. Whilst overlooking occurs from the appeal property towards No. 53 the proposed development would bring the windows closer to the shared boundary which would exacerbate the sense of being under surveillance and to my mind would significantly diminish the enjoyment of their property.
15. I conclude that the proposed development would harm the living conditions of the occupiers of No. 53 The Crescent. 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.
16. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

#### **Conclusion**

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

*C Pipe*

INSPECTOR