



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/24/3353419

23 Foundry Street, Ravensthorpe, Dewsbury, West Yorkshire WF13 3HW

- 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 Ms Niagina Bashir against the decision of the Kirklees Metropolitan Council.
 - The application 2024/62/91287/E.
 - The development is proposed single storey extension to rear of house.
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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 Since the determination of the application the National Planning Policy Framework (2023) has been superseded by the National Planning Policy Framework (2024) (the Framework).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, appearance and living conditions of the host property (ii) the living conditions of the occupiers of the neighbouring properties No's. 21 and 25 Foundry Street.

Reasons

Character, appearance and living conditions of host property

4. The appeal site is a modest mid-terraced two storey house within a mixed-use area, with residential properties adjacent. The appeal property is set back slightly on its plot in comparison to the adjoining properties No's. 21 and 25 Foundry Street. Within the rear garden of the appeal site there is a large outbuilding adjacent the rear boundary.
5. The proposed development would extend across the width of the existing property and project 5m into the rear garden at single storey. The extension combined with the existing outbuilding would leave limited external private amenity space for occupiers of the host property.

6. The scale and design of the proposed development would be disproportionate to the existing property which would be incongruous to the host property despite the proposed use of matching materials.
7. I find that the proposed development would harm the character, appearance and living conditions of the host property.
8. 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, be in keeping with the original building in term of scale, materials and details and ensure a high standard of amenity for occupiers. 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.
9. There is also conflict with the Framework which seeks amongst other things to ensure developments are of good design with high standards of amenity for existing and future users.

Living Conditions Neighbours

10. A detached outbuilding is located within the rear garden of No. 21 which would screen to a degree the proposed development.
11. Notwithstanding this due to the close relationship between the appeal site and No's. 21 and 25 the proposed development would be prominent and oppressive in terms of outlook for the neighbouring occupiers.
12. Due to the constrained size of the private rear amenity space of the properties and the scale of the proposed development a degree of overshadowing would occur which would to my mind diminish the enjoyment of the neighbouring properties outdoor space.
13. I conclude that the proposed development would harm the living conditions of the occupiers of No's 21 and 25 Foundry Street. The proposal conflicts with the Local Plan and the SPD which seeks amongst other things to protect the amenities of existing occupiers of neighbouring properties.
14. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Other Matters

15. 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

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

C Pipe

INSPECTOR