



Appeal Decision

Site visit made on 27 January 2025

by **L Wilson BA (Hons) MA MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 13 February 2025

Appeal Ref: APP/A4710/D/24/3356112

27 Rocks Road, Halifax, Calderdale HX3 0HR

- 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 Khayyam Farman against the decision of Calderdale Metropolitan Borough Council.
 - The application Ref is 24/00189/HSE.
 - The development proposed was originally described as proposed side extensions.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by the appellant against the Council. This application is attached as a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - the character and appearance of the host dwelling and surrounding area, and the extent to which it would preserve or enhance the character or appearance of the Savile Park Conservation Area (CA); and
 - the living conditions of the occupants of the neighbouring dwelling, known as Borrowdale, with particular reference to privacy and outlook.

Reasons

Character and appearance

4. No 27 is a stone built, two-storey, detached dwelling located on a prominent corner plot within the CA. Thus, I have had special regard to section 72(1) of the Planning (Listed Buildings and Conservation Areas) Act 1990 (the Act).
5. This part of the CA is primarily characterised by large, stone built detached dwellings set within spacious plots with stone boundary walls and mature trees as well as sweeping views along Albert Promenade over the Calder Valley. In general, dwellings within this part of the CA are consistent in height and massing. The low density residential area, gaps between buildings and mature trees provides a sense of spaciousness and leafy quality. On the opposite side of Rocks Road is a prominent apartment block. Within the vicinity of the site, there are also examples of dwellings that have been substantially altered and more recent higher-density development, such as on Edgefield Grove.

6. The extension has been designed to incorporate design features and materials to match the existing dwelling. However, the scale and size of the proposed extension would be out of keeping with the dimensions of the host building and would be significantly more prominent than the existing extension due to its scale and massing. The extension would not be proportionate to the size of the original building as it would read as a substantial addition. Furthermore, the extent of the proposed two storey projection would be at odds with the built form along this part of Kensington Road. This is because, along this part of Kensington Road, dwellings are generally set back from the highway with either a large gap between the dwelling and highway or subordinate building/extension adjacent to the highway. In contrast, the proposed development would result in a large, prominent extension adjacent to the highway.
7. The Savile Park Conservation Area Character Appraisal (CACA) does not specifically reference the host property, but that does not mean that the appeal site does not contain features that positively contribute to the CA. Particularly in winter months, when the trees are not in leaf, the development would be prominent when viewed from Rocks Road (which is identified as an important view within the CACA) and Kensington Road which would erode the sense of openness of this part of the CA. The scale of the development would draw the eye and would detract from features such as the stone boundary wall, which makes a positive contribution to the CA, and the roof form of the property. The development would not maintain the character of the CA and would unbalance the relationship between landscape features, gardens and building mass which would be at odds with the objectives of the CACA.
8. For these reasons, the extension would be a discordant and incongruous addition that would not make a positive contribution to the quality of the area. Consequently, the development would not respect or enhance the character and appearance of the host building and its surroundings, and would not preserve or enhance the character or appearance of the CA.
9. Paragraph 212 of the Framework states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. Paragraph 213 goes on to state that any harm to, or loss of, the significance of a designated heritage asset (from its alteration or destruction, or from development within its setting), should require clear and convincing justification.
10. Given the character and appearance of the existing extensions and the scale of the proposal within the context of the CA as a whole, the level of harm would be less than substantial. Nonetheless, mindful of my statutory duties, this is a matter to which I attach considerable importance and weight. Under such circumstances, paragraph 215 of the Framework advises that this harm should be weighed against the public benefits of the proposal. Similarly, Policy HE1 of the Calderdale Local Plan 2018/19 – 2032/33 (2023) (LP) sets out developments should preserve or enhance elements that contribute to a conservation area's significance and harm to a designated heritage asset will only be permitted where this is outweighed by the public benefits of the proposal.
11. The appellant has not clearly outlined public benefits of the proposal, but I acknowledge that there would be some limited public benefits of the scheme.

Nonetheless, the benefits are not sufficient to outweigh the harm that I have identified.

12. For the reasons given above, the proposed development would cause harm to the character and appearance of the host dwelling and surrounding area, and in the absence of any defined significant public benefit, I conclude that, on balance, the development would not preserve or enhance the character or appearance of the CA. Accordingly, the proposal fails to satisfy the requirements of the Act, paragraph 215 of the Framework and conflicts with Policies BT1 and HE1 of the LP. These seek, amongst other matters, to ensure developments respect or enhance the character and appearance of existing buildings and surroundings.

Living conditions

13. The proposed extension would marginally bring the existing footprint of the host property away from the common boundary shared with Borrowdale. However, the extension would be significantly greater in scale and massing than the existing single-storey extension.
14. The extension would be adjacent to Borrowdale's driveway. Borrowdale's main private amenity space is to the rear, but the front amenity space area includes a greenhouse, and an area dedicated to growing produce. Thus, the occupiers of Borrowdale use this area for recreational purposes.
15. The proposal would substantially increase the extent of development in close proximity to the common boundary shared with Borrowdale. By virtue of the extension's scale, height and siting, it would appear overbearing and overly dominant when viewed from Borrowdale. The nearby trees would not materially reduce the impact of the extension due to the extension's height and siting in relation to the trees.
16. The extension includes windows that would face towards Borrowdale which the appellant has suggested could be conditioned to be obscure glazing. One of the windows would serve an office. No other windows would serve the office and therefore conditioning the window to obscure glazing would result in poor standard of accommodation. The office window would overlook the front garden of Borrowdale. No 27 has existing first-floor windows on this elevation, but these face towards the blank side elevation of Borrowdale. Consequently, the development would result in an unacceptable loss of privacy as the study window would directly overlook the front garden of Borrowdale which is used as private amenity space.
17. For these reasons, the proposed development would have an unacceptable effect on the living conditions of the occupants of Borrowdale, with particular reference to privacy and outlook. Accordingly, it would conflict with Policy BT2 of the LP. This seeks, amongst other matters, to ensure development proposals do not result in a significant adverse impact on the privacy and private amenity space of adjacent residents or other occupants. In addition, it would conflict with paragraph 135 f) of the Framework which states that developments should create places with a high standard of amenity for existing and future users.

Other Matters

18. The appellant considers that the Council has been inconsistent in the application of planning policies and have drawn my attention to other planning applications

approved. The context of the appeal site and those highlighted as well as the proposed development cannot be directly compared. In any event, I have considered the appeal proposal on its own merits. The other matters raised do not outweigh the harm that I have found above.

Conclusion

19. For the reasons given above, the proposal conflicts with the development plan and the material considerations do not indicate that the appeal should be decided other than in accordance with it. Consequently, the appeal does not succeed.

L Wilson

INSPECTOR