



Appeal Decision

Site visit made on 10 February 2025

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

an Inspector appointed by the Secretary of State

Decision date: 25 February 2025

Appeal Ref: APP/Z4718/D/24/3354647

5 Chestnut Avenue, Staincliffe, Batley WF17 7DH

- 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 U Bostan against the decision of Kirklees Metropolitan Council.
 - The application Ref is 2024/62/92383/E.
 - The development proposed was originally described as 2 storey side and rear extension, single storey front extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed extension on:
 - The character and appearance of the host dwelling and surrounding area; and
 - the living conditions of the occupants of 3 Chestnut Avenue, with particular reference to outlook, sunlight and daylight.

Reasons

Character and appearance

3. No 5 is a two-storey, semi-detached dwelling. Key design principle 1 of the House Extensions and Alterations SPD (2021) (SPD) states that extensions and alterations to residential properties should be in keeping with the appearance, scale, design and local character of the area and the street scene. Paragraphs 4.3, 5.19, 5.20 and 5.21 of the SPD provide guidance in relation to two-storey extensions and terracing effect to ensure that proposals are appropriate to the local character and street scene of the area.
4. The semi-detached dwellings along Chestnut Avenue, and in the local area, were designed to have regular gaps to the side. This creates a regular streetscene and the spaces between the houses are a key, positive characteristic of the area which provides a sense of space between the properties.
5. Nos 1 and 3 have similar extensions to that proposed which are marginally set in from the boundary. There are also numerous other extensions within the local area. I observed on my site visit that some of these extensions served to confirm that poorly designed two-storey extensions can have a detrimental impact on the character and appearance of the area, and cause a terracing effect. I also

understand that some of these extensions were granted planning permission before the SPD was adopted.

6. Although there would be a gap between the extension and the common boundary shared with No 3, the extension would take up most of the space to the side of the property. As a result of this and No 3's extension, there would be a very small gap between Nos 3 and 5. Furthermore, the extension would not be set back from the existing frontage of the dwelling or set down from the existing roofline. The gap between Nos 3 and 5 would be apparent when stood in front of the dwellings, but when viewed from the majority of Chestnut Avenue it would not be evident.
7. The extension would result in the appearance of terraced housing from Nos 1–7 due to the combination of the small gap to the side boundary, lack of set down and set back, and existing extensions. Thus, the development would not be in keeping with the pattern of development and spacing between dwellings, which would erode the sense of space. The extension would therefore not respect or enhance the character of the townscape.
8. For these reasons, the proposed extension would cause harm to the character and appearance of the host dwelling and surrounding area. Consequently, it would conflict with Policy LP24 of the Kirklees Local Plan: Strategy and Policies (2019) (LP). This seeks, amongst other things, to promote good design by ensuring extensions are subservient to the original building, are in keeping with the existing buildings as well as ensuring it respects and enhances the character of the townscape. In addition, it would conflict with the aforementioned paragraphs of the SPD.

Living conditions

9. No 3 has windows which face the appeal site. I understand that one of these windows serves a living room. The appellant highlights that this window was approved as a high level window and they could construct a 2 metre high fence along the boundary. Whether a different kind of window should have been used is not for me to determine, and this is a matter for the Council. I am required to assess the proposal based on the plans before me and site circumstances, and it appears a window of some form was granted on this side elevation.
10. Key design principle 4 of the SPD sets out that extensions should consider the design and layout of habitable and non-habitable rooms to reduce conflict between neighbouring properties relating to privacy, light and outlook. In addition, Key design principle 5 states extensions should not adversely affect the amount of natural light presently enjoyed by a neighbouring property.
11. The development would result in a two-storey extension in close proximity to the living room window. There would be an extremely limited gap between this window and the extension. As a consequence, the extension would have an overbearing effect on the outlook of the living room window and would result in a loss of light. Thus, by virtue of the extension's scale, massing and siting and sun's path, the proposal would unreasonably overshadow No 3's living room window and the extension would be a dominant addition when viewed from this window. As a result, occupiers would feel unduly hemmed in.
12. For these reasons and based on the evidence provided, the proposed extension would have an unacceptable effect on the living conditions of the occupants of No

3, with particular reference to outlook, sunlight and daylight. Consequently, it would conflict with Policy LP24 of the LP which seeks, amongst other things, to ensure proposals provide a high standard of amenity and minimise impact on residential amenity of neighbouring occupiers.

13. In addition, the proposal would conflict with chapter 12 of the National Planning Policy Framework, which states developments should create places with a high standard of amenity for existing and future users. It would also conflict with the aforementioned key design principles of the SPD.

Other Matters

14. The appellant highlights that they were not given the opportunity to amend the proposals, the occupiers of No 3 have not objected, and the extension would create a future proof family home. However, the other matters highlighted do not outweigh the harm that I have found above.

Conclusion

15. 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