



Appeal Decision

Site visit made on 27 October 2025

by **P Eggleton BSc(Hons) MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 06 November 2025

Appeal Ref: APP/A4710/D/25/3373188

The Beeches, 2 Bute Avenue, Brighouse, Calderdale HD6 2JA

- 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 P Fennelly against the decision of Calderdale Metropolitan Borough Council.
 - The application reference is 25/00565/HSE.
 - The development proposed is a first-floor extension and a front two-storey extension.
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Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect on the living conditions of the residents of 2a Bute Avenue with regard to outlook.

Reasons

3. The only concern raised by the council is that the proposal would be overbearing for the residents of 2a Bute Avenue. That property is set further back from the road and as such, the proposed increase in height of the side elevation and eaves would result in a higher wall, close to the shared boundary, alongside a significant part of the front garden of the dwelling.
4. The appellant advises that the increase in height of the side facing wall and eaves would be 2.25 metres, but the wall would remain set back from the boundary. The appeal property is set on slightly higher ground than its neighbour and because of its forward position, the existing side wall of the property is already quite imposing when entering the neighbouring property; using its front garden and driveway; and when within the front bedroom which has a bay window. The eaves of the house are already significantly higher than the garden fence given the existing height of the eaves and the higher ground level.
5. An additional 2.25 metres in height would undoubtedly result in the side elevation being unacceptably overbearing, partly enclosing and dominating the front garden area of number 2a. Although the design detailing of the proposal is considered acceptable, given the layout of these properties within their sites, such a high wall close to the boundary would represent poor design in this context.
6. The main living accommodation of the adjacent house and its main garden area are to the rear. However, this does not detract from the importance of the front garden, the entrance to the property and the outlook from the front facing bedroom. Whilst

the front garden includes the driveway and parking area, the residents should be able to enjoy a reasonable outlook from their front garden and when entering and leaving their house. This proposal would be overly dominant and unacceptable in this respect. Light levels in the front bedroom and the amount of direct sunlight to its bay window would not be materially altered but it is a habitable room and despite its distance from the proposal, its outlook would be reduced. Although the harm would be more limited, it adds to my overall concern.

7. The proposal would undoubtedly be visually imposing and overbearing and it would unacceptably harm the living conditions of the residents of 2a Bute Avenue with regard to outlook and visual amenity. It would therefore be contrary to policy BT2 of the Calderdale Local Plan 2023 as it would result in significant adverse impacts on the private amenity space of the adjacent residents. As it would represent poor design, it would also result in conflict with policy BT1. It would similarly conflict with the National Planning Policy Framework which seeks a high standard of amenity for existing and future users and is clear that development that is not well designed should be refused.
8. I have had regard to the matters put forward by the appellant and acknowledge that the proposal would improve the fabric and living conditions within the house and would result in benefits to the local economy from the building works. However, the matters in favour of the proposal are not sufficient to outweigh my concerns. I therefore dismiss the appeal.

Peter Eggleton

INSPECTOR