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# Appeal Decision

Site visit made on 16 March 2017

**by Ian McHugh Dip TP MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 29 March 2017**

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**Appeal Ref: APP/Z4718/D/17/3167677**

**49 Lidgett Lane, Skelmanthorpe, Huddersfield, HD8 9AQ**

- 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 Mrs Andree Ackroyd against the decision of Kirklees Council.
  - The application Ref 2016/62/93586/E, dated 19 October 2016, was refused by notice dated 19 January 2017.
  - The development proposed is modifications to the front-facing dormer and under-finish to front.
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## Decision

1. The appeal is dismissed.

## Procedural Matter

2. The description of the appeal development stated in the banner heading above is taken from the planning application form. However, the description given in the Council's decision notice is the "erection of extension and alterations to front dormer". In my opinion, the Council's wording is a clearer description of the proposal and I have considered the appeal on this basis.

## Main Issue

3. The main issue is the effect of the proposal on the character and appearance of the existing dwelling and on the streetscene.

## Reasons

4. The appeal property is a semi-detached bungalow with two front-facing dormer windows in the roof. It is situated in a residential area within a row of properties that front Lidgett Lane. Other dwellings in the locality vary in terms of their age, size and appearance. Some of these also have front-facing dormers, which are either later additions or part of the original dwelling design.
  5. The proposal is to extend the existing dormers at the front of the appeal dwelling by infilling the existing gap between the two. The extension would provide additional space within the existing bedrooms that the appellant considers necessary for her family needs.
  6. Policies BE1 and BE2 of the adopted Kirklees Unitary Development Plan (UDP) require (amongst other things) all development to be attractive and of good
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quality design; and to be in keeping with surrounding development. In addition, Policy BE15 of the UDP lists criteria against which proposals for front-facing dormer windows are assessed. A key requirement of Policy BE15 is that the original roof form remains the predominant feature. In my opinion, these policies are consistent with the provisions of the National Planning Policy Framework (the Framework), which also requires new development to be of high quality design and for it to add to the overall quality of the area (paragraphs 17 and 58).

7. I acknowledge that the proposal would provide more useable space within the first floor bedrooms. At my site visit, I also viewed some of the other dwellings with front-facing dormers, including properties on Lidgett Lane and Westfield Drive. However, in my opinion, the proposal would be an incongruous and discordant addition at the front of the dwelling. As a result of the extension, the dormer structure would be a visually dominant feature and, overall, I consider that it would be out of proportion and scale with the original roof of the property. It would be clearly seen from Lidgett Lane and I consider that the proposal would be unacceptably harmful to the character and appearance of the both the existing dwelling and the streetscene. Consequently, it would conflict with the Development Plan and with the Framework, as referred to above.

#### **Other Matters**

8. The Council Officer's report refers to the conversion of a garage to a bedroom and new render on the front elevation. The Council states that these elements are permitted development. Consequently, I am not required to consider them as part of this appeal.

#### **Conclusion**

9. For the reasons given above, it is concluded that the appeal should be dismissed.

*Ian McHugh*

INSPECTOR

## Appeal Decision

Site visit made on 21 March 2017

by **Daniel Hartley BA Hons MTP MBA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 31 March 2017

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**Appeal Ref: APP/Z4718/W/16/3161984**

**Land adjacent to 5a and 6 Leak Hall Crescent, Denby Dale, Huddersfield HD8 8RZ**

- 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 Jonathan Mayo (Heywood Developments (Denby Dale) Limited) against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2016/62/92019/E, dated 14 June 2016, was refused by notice dated 18 October 2016.
  - The development proposed is five new dwellings and a new adopted turning head.
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### Decision

1. The appeal is dismissed.

### Main Issues

2. The main issues are the effect of the development upon (i) the character and appearance of the area and (ii) the living conditions of the occupiers of Nos 5a and 6 Leak Hall Crescent, No 25 Hillside and the proposed dwellings in terms of outlook and light, and No 25 Hillside in respect of privacy.

### Reasons

#### *Site and proposal*

3. The appeal site comprises a piece of open land at the end of a residential street with no through access. It includes an area of hard standing to its central area, but the areas which are adjacent to the side elevations and rear gardens of Nos 5a and 6 Leak Hall Crescent are grassed with some tree planting on the boundaries.
4. It is proposed to erect three two storey terraced houses (1 two bedroom and 2 three bedroom) adjacent to No 5a Leak Hall Crescent and a pair of two storey four bedroom dwellings adjacent to No 6 Leak Hall Crescent arranged off a central access road with a turning head.

#### *Character and appearance*

5. The appeal site falls within a part of Leak Hall Crescent where there are mainly stone built and hipped roofed semi-detached dwellings which have proportionate front and rear gardens, with stone walls fronting the main road, hipped slate roofs including chimneys, and a regularity of open gaps between
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each of the residential blocks. In this part of the street, I consider that there is some design regularity and this gives the area its distinctive character. New detached stone built dwellings appear to have been erected on the lower parts of Leak Hall Crescent, but owing to the change in land levels and the bend in the road, such properties are not conspicuous when viewed from the appeal site.

6. The appeal site is currently open and is partly green. It provides a soft edge to the end of the street and there are open vistas to the less developed land to the west which includes a footpath. I am aware that outline planning permission has already been approved for residential development on the site, although all detailed matters (apart from access) are reserved for a subsequent application. The appellant has referred me to an illustrative layout plan which accompanied the outline planning application which showed four dwellings on the appeal site. However, the layout plan was not approved and, in any event, the dwellings were positioned in a different position to the appeal dwellings in so far that they were more closely aligned with the gable elevations of Nos 6 and 5a Leak Hall Crescent. It is, in any event, necessary for me to determine this appeal on its individual planning merits, and I therefore attach very limited weight to the indicative plan submitted with the former outline planning application.
7. I acknowledge that the proposed dwellings would be set well back from the building line of the dwellings on Leak Hall Crescent. In this respect, they would not be conspicuous when travelling up Leak Hall Crescent and given the position of the turning head there would continue to be open vistas to the land to the west. However, the dwellings would be conspicuous from more localised viewpoints on Leak Hall Crescent and in this respect would therefore be seen in the context of the existing semi-detached dwellings. In this regard, I consider that the proposed dwellings would appear substantial and imposing and that their design would be at odds with the relatively modest and unsubstantial existing semi-detached dwellings. The two storey projecting gables would appear particularly dominant and bulky on the proposed terrace of three dwellings, which would be in direct contrast to the simple/predominantly flat elevations of the nearby existing properties. Furthermore, the roofs of the dwellings would be gabled, and so would not be in-keeping with the roof design of the existing neighbouring dwellings.
8. My above design concerns are compounded by the fact that there would very limited landscaping to the front of the proposed dwellings and because the properties would be positioned close to the boundaries of the site. The turning head would be large and there would be significant expanses of driveway. I acknowledge that there would be some green areas, including a front garden to one of the proposed semi-detached properties, but overall the opportunities for landscaping would be very limited. Taking this into account, the parking of a number of vehicles to the front of the dwellings, and the overall scale and massing of the proposed dwellings, I consider that the proposal would create a very harsh and cramped environment to the detriment of the character and appearance of the area. There would be particular conflict with saved Policy BE1 (iv) of the UDP which states that development should contribute to an environment which *"provides a healthy environment including space and landscaping about buildings"*.

9. For the collective reasons outlined above, I conclude that the proposal would have significantly adverse impact upon the character and appearance of the area and would not therefore accord with the design aims of saved Policies D2, BE1 and BE2 of the Kirklees Unitary Development Plan 1999(UDP) and the National Planning Policy Framework (the Framework) which states, at paragraph 56, that "*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people*".

*Living conditions*

10. The proposed dwellings would be positioned well beyond the rear elevations of No 5a and 6 Leak Hall Crescent. They would be built in relatively close proximity to the boundaries with these properties, and owing to the height and bulk of the proposed dwellings, I consider that they would have a significantly dominating impact when viewed from existing rear windows and garden areas. In addition, and given the height and position of the dwellings, there would be some unacceptable overshadowing of the garden areas of No 5a and 6 Leak Hall Crescent, particularly later in the day.
11. The first floor rear elevation bedroom windows to the proposed semi-detached dwellings would face towards the rear elevation and garden of No 25 Hillside. Taking into account the very close separation distance, I consider that there would be significant overlooking of the windows and the garden area of No 25 Hillside to the detriment of the privacy enjoyed by the occupiers of this detached house.
12. I have not been provided with any development plan policies for the area which specify minimum garden sizes for residential properties. Nonetheless, I consider that all of the rear gardens would be disproportionately small for what would be five relatively large family houses. Given the scale of the dwellings and the size of the gardens, I consider that the garden areas would feel oppressive and that overall the dwellings would have a dominating impact when residents were using these spaces. Given the limited length of the gardens and the overall height of the proposed dwellings, I consider that there would be some overshadowing of the semi-detached dwelling gardens at about mid-day and to a lesser degree to parts of the garden areas of the terraced dwellings in the early mornings.
13. Owing to the changes in levels it is proposed that there would be a raised terrace to the rear of each of the three proposed terraced dwellings: they would lead down to very small lower garden areas. Based on the information submitted, I am concerned that it would be possible to look down and into neighbouring lower level gardens from the respective terraced areas. This would cause unacceptable harm to the privacy enjoyed by residents of these proposed dwellings.
14. For the collective reasons outlined above, I conclude that the proposal would cause significant harm to the living conditions of the occupiers of No 5a and 6 Leak Hall Crescent in terms of outlook and light; the occupiers of some of the proposed dwellings in terms of the private use of rear gardens; that the proposed rear garden areas would be unacceptably small, feel oppressive and have limited levels of light, and that significant harm would be caused to the occupiers of No 25 Hillside in respect of loss of privacy. Therefore, the proposal would not accord with the amenity aims of saved Policies D2 and BE12

of the UDP and the Framework. I do not consider that saved Policies BE1 and BE2 of the UDP are strictly relevant to this issue as they relate more to matters of general design.

### **Other Matters**

15. I note the appellant's comment that the Highway Authority has requested a large turning head and that this has meant that the dwellings are positioned further into the site. I do not know if the Highway Authority would support a smaller turning head, but, in any event, the requirement for a specific turning head cannot justify allowing harmful development. It would be open to the appellant to discuss an alternative proposal with the Local Planning Authority/Highway Authority, but this is not a matter than I can pursue as part of this appeal.
16. I have considered the appellant's comment about the dwellings being affordable and that some of the properties had already been sold. I do not have any specific information about affordability, although I do accept that the provision of five dwellings would make some, albeit a relatively limited, contribution towards the supply of dwellings in the area when the Local Planning Authority is unable to demonstrate a five year supply of deliverable housing sites. Whilst, the boost to housing supply does weigh in favour of the proposal, it does not outweigh or overcome the significant harm that would be caused to the character and appearance of the area and to the living conditions of existing and future residents.
17. I acknowledge the comments made by Melissa Lees who was hoping to purchase one of the proposed properties. Whilst this individual may have been prepared to purchase a dwelling with very limited private outside amenity space, it is nonetheless necessary for me to consider whether the proposed dwellings, including the associated outside amenity space, would be acceptable for all future occupiers. I have found that the private outside amenity space would be severely restricted, and the comments made by Melissa Lees do not alter my conclusion on this issue.
18. None of the other matters raised outweigh my overall conclusions on the main issues.

### **Conclusion**

19. For the reasons outlined above, and taking into account all other matters raised, the proposal would not accord with the development plan for the area. Therefore, the appeal should be dismissed.

*Daniel Hartley*

INSPECTOR

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# Appeal Decision

Site visit made on 14 March 2017

**by Andrew McCormack BSc (Hons) MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 3 April 2017**

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**Appeal Ref: APP/Z4718/W/16/3166268**

**Cuckstool Road, Denby Dale, West Yorkshire HD8 8RF**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a failure to give notice within the prescribed period of a decision on an application for outline planning permission.
  - The appeal is made by Mr & Mrs E Boocock against Kirklees Metropolitan Borough Council.
  - The application Ref 2016/91231, is dated 14 April 2016.
  - The development proposed is 3 residential dwellings.
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## Decision

1. The appeal is dismissed.

## Procedural Matters and Background

2. The original application sought outline planning permission for 3 residential dwellings on the appeal site with all matters reserved. Accordingly, I have determined the appeal scheme on that basis.
3. The Council did not issue a decision within the prescribed period. The appellants have exercised their right to appeal against the failure of the Council, as the local planning authority, to determine the application. The Council's appeal statement states that the proposed dwellings would have an adverse impact on the amount and quality of open space available in the area and would also prejudice the appeal site's value as open land.

## Main Issue

4. Taking the above into account, the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

## Reasons

5. The appeal site is located adjacent to and north of Cuckstool Road. At the time of my visit, the site was overgrown with a number of small trees and bushes located around the edges of the site. A low level stone wall forms the southern boundary of the site and is in a reasonable state of repair. However, at my visit, I noted that a sizeable section of the wall had fallen down at the south east corner of the site. The topography of the site slopes downwards towards the north and towards the nearby Denby Dale Cricket Club. The northern boundary of the site is marked by an area of trees beyond which lies the cricket club field. To the west and south are residential properties on Cuckstool Road which runs along the southern and eastern boundary of the site. The area has
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- a mixed character with a balance of residential properties and areas identified as open space land, including the appeal site. The site is allocated as 'Urban Greenspace' in the Kirklees Unitary Development Plan (UDP).
6. Policy D3 of the UDP states that planning permission will not be granted on sites designated as 'urban greenspace' unless the proposed development is necessary for the continuation or enhancement of established uses or involves a change of use to alternative open land uses or would result in a specific community benefit. In all cases, development is required to protect visual amenity, wildlife value and opportunities for sport and recreation. Alternatively, development would only be allowed were alternative open space provision of equivalent quantity and quality to that being lost were proposed which was reasonably accessible to existing users. In addition, Paragraph 74 of the National Planning Policy Framework (the Framework) advises that open space should not be built upon unless an assessment has been made which clearly shows the open space in question to be surplus to requirements.
  7. Whilst I appreciate that Policy D3 is of some age, this alone is not a sufficient reason to give have any less weight to it in decision-making. Furthermore, having considered the above, I find Policy D3 to be in accordance with the Framework. As such, I give it significant weight in my determination of this appeal.
  8. From what I have seen and read, there is no substantive evidence to indicate that any alternative open space land of equivalent size and quality forms part of the proposal. Furthermore, there is no assessment before me which indicates that the area of open space which would be lost as a result of the proposal is surplus to requirements for the area.
  9. In addition, I find that the open space land which currently forms the appeal site makes a positive contribution to the character and appearance of the locality. It has the appearance of being a semi-natural area of land. In my view, this forms the core of its intrinsic value to the locality where an area with such a rural appearance is situated amongst and adjacent to residential properties which provides a positive edge of settlement environment of mixed character and appearance. Furthermore, the open space land which forms the appeal site is recognised as a valued element of the streetscape and supported through its allocation as 'Urban Greenspace' in the UDP.
  10. I note that the Council cannot demonstrate a five year supply of housing land and that the proposal would provide three new dwellings in a sustainable and accessible location. I acknowledge that this would make a small contribution to the housing supply shortfall and would provide a small area of formal open space for the benefit of the community. Furthermore, I appreciate that the site has limited wildlife and ecological value. Notwithstanding this, having had due regard to all of the evidence before me, and from what I saw during my visit, I find that the material harm which would be caused to the character and appearance of the locality and the loss of a key area of semi-natural open space would significantly outweigh the benefits of the scheme.
  11. The proposed development would result in the loss of a valued area of open space land which is allocated as such in the UDP. Furthermore, it would have an adverse visual impact on the character and appearance of the locality which would be contrary to local planning policy and the Framework.

12. Consequently, I conclude that the proposed development would have a material harmful effect on the character and appearance of the surrounding area. Therefore, it would be contrary to Policy D3 of the UDP and the Framework. Amongst other matters, this policy and guidance seeks to ensure that development has no significant adverse effect on the character or appearance of its surroundings.

**Conclusion**

13. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

*Andrew McCormack*

INSPECTOR

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# Appeal Decision

Site visit made on 10 April 2017

**by Harold Stephens BA MPhil DipTP MRTPI FRSA**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 24 April 2017**

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**Appeal Ref: APP/Z4718/D/17/3170623**  
**88 Woodsome Estate, Batley WF17 7EF**

- 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 Yusuf Khalifa against the decision of Kirklees Metropolitan Council.
  - The application Ref 2016/62/92766/E, dated 11 August 2016, was refused by notice dated 26 January 2017
  - The development proposed is the erection of a first floor side extension and rooms in the roofspace.
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## Decision

1. The appeal is dismissed.

## Main Issue

2. I take the view that the main issue in this appeal is the effect of the proposal on the character and appearance of the area.

## Reasons

3. The appeal proposal relates to a two storey end terrace dwelling of red brick construction with a concrete tile roof. The dwelling has already been extended with a large porch/front extension and a ground floor extension to the side.
  4. The proposal is for the erection of a first floor side extension with rooms in the roofspace. The side extension would be built directly on the existing ground floor extension and would have the same footprint. It would be set in from the rear elevation and have a gable roof with a ridge height slightly lower than the host property. There would be a Juliet balcony to the front elevation.
  5. The statutory development plan includes the saved policies of the Kirklees Unitary Development Plan (UDP). The Council's Local Plan was published for consultation in November 2016 and in accordance with the guidance in paragraph 216 of the National Planning Policy Framework (NPPF) has limited weight in planning decisions at this stage. The site is unallocated on the UDP Proposals Map and saved policies D2, BE1, BE2, BE13, BE14 and T10 are relevant in this case.
  6. At my site visit it was plain to me that the existing building is an end terrace dwelling with a hipped roof to the side and that the corresponding dwelling at the other end of the row of terraces also has a hipped roof. Moreover, I saw that other rows of terraced properties in the vicinity had a hipped roof design.
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The appeal proposal is to form a first floor extension with a gable roof. I appreciate that amended plans were submitted to try to reduce the visual impact of the design albeit still with a gable roof design. I also note that the proposal would be constructed in materials to match the existing dwelling. However, in my view, the appeal proposal would be materially out of keeping with the surrounding development on a prominent corner site. Given that the proposed gable roof design would affect the whole street scene and visual amenity of the area, the proposals are unacceptable. The proposal would be contrary to Policies BE1 and BE13 of the UDP and to paragraphs 58 and 64 of the NPPF which require good design. On the main issue I conclude that the appeal must fail.

7. I have taken into account all other matters raised including the Design and Access Statement submitted with the application. I appreciate that the proposal would provide additional living space for a growing family. I acknowledge that the proposal would be acceptable in relation to residential amenity. It would not adversely impact on the privacy, outlook or daylight of neighbours including those at 89 Woodsome Estate and would not offend aforementioned policies in this regard. Furthermore, there would be no detriment to highway safety from the proposals in the context of Policy T10.
8. Reference is made to other properties within the wider area where extensions have been approved by the Council and which have a gable roof design. I do not have all the details about these properties. However, none of these developments persuaded me that the appeal proposal would be appropriate in this situation. Suffice it to say that each decision must be considered on its own merits and in accordance with the provisions of the development plan and any other material considerations. Planning conditions would not overcome the objections I have described. I conclude that the proposal is in overall conflict with the development plan. None of the points raised are sufficient to outweigh this conflict. The proposal would not constitute sustainable development. My overall conclusion is that the appeal should be dismissed.

*Harold Stephens*

INSPECTOR

## Appeal Decision

Site visit made on 18 April 2017

by **Daniel Hartley BA Hons MTP MBA MRTPI**

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 26 April 2017

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**Appeal Ref: APP/Z4718/W/16/3161267**

**12 Kestrel View, Shelley, Huddersfield HD8 8HH**

- 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 Paul Somerville against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2016/62/92435/E, dated 18 February 2016, was refused by notice dated 30 September 2016.
  - The development proposed is the erection of a building with a raised decked area.
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### Decision

1. The appeal is dismissed.

### Procedural Matter

2. The building and the raised decked area are already on the site. I was able to see on my site visit that the bottom trellis had already been removed from the decked area. The building was in use by the appellant for office purposes.

### Main Issues

3. The main issues are the effect of the proposal upon (i) the living conditions of the occupiers of No 10 and No 14 Kestrel View in respect of outlook and privacy and (ii) the character and appearance of the area.

### Reasons

#### *Site and Proposal*

4. The appeal site comprises the rear garden of a semi-detached dwelling located within a modern housing estate. The rear garden slopes significantly upwards. There was originally a timber shed positioned at the top of the garden (with a small decked area), although the building appears to have been adapted in terms of increasing its height by a further 125mm. In conjunction with this development, the proposal also includes an extended terraced/decked area which is about 8.19 metres in length and 4.58 metres further forward than the part of the original decking which is positioned in the north eastern corner of the rear garden.
  5. Most of the development is already in situ. The Council has previously refused planning permission (Ref 2016/62/90599/E) for such development, although it is understood that the appellant ran out of time to appeal such a decision. This proposal differs from the previous proposal in so far that it is proposed to erect
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a 1.45 metre high privacy screen (measured from the decking level) to the front and sides of the proposed decked area. In addition, it is proposed to remove the trellis around the bottom of the decking and to reveal the structural posts which would be stained in a dark oak colour. There would be planting and pebbles in this area.

### *Living Conditions*

6. When considered in isolation, the building does not have an adverse impact upon the occupiers of neighbouring residential properties in respect of outlook and privacy. There has been a building on the site for some time and the increase in height relative to the former shed is insignificant.
7. Notwithstanding the above, I consider that when the building and decked areas are considered as a whole owing to their size, bulk and position they have a very dominant and overbearing impact when viewed from the rear windows and gardens areas of No 10 and No 14 Kestrel View.
8. I accept that the proposed privacy screen would have the effect of minimising some unacceptable impacts on the privacy enjoyed by the occupiers of these neighbouring properties. However, such privacy screens would not be effective when people were standing on the deck. In addition, the overall effect of such screens would be that it would create more solid and hence dominant sides to the decked area. Whilst the removal of the bottom trellis has reduced the dominating impact of the development to some extent, this does not overcome my significant concerns about the overall effect of the development upon the occupiers of No 10 and No 14 Kestrel View primarily in terms of their outlook, but also to some extent in terms of their privacy.
9. For the collective reasons outlined above, I conclude that the proposal would not accord with the amenity aims of saved Policy D2 of the Kirklees Unitary Development Plan 1999 (UDP).

### *Character and appearance*

10. The original shed and decked area represented a form of development which was subordinate in scale to the host dwelling. However, when considered as a whole, the appeal development appears dominant, bulky and incongruous in this rear garden setting and is not subordinate in scale with the host dwelling. I reach this conclusion taking into account the fact that the bottom trellis of the decked area has been removed.
11. I accept that the development is positioned to the rear of the house and so it is not particularly noticeable from more public areas. However, it can be seen from the rear of existing residential properties and paragraph 56 of the National Planning Policy Framework (the Framework) states that "*good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute to making places better for people*". In this case, I do not consider that the development contributes to making the area better for the people that reside in it.
12. I have considered the appellant's examples of other terraces/decks in the area, but I am not certain when these developments were built, or indeed whether they have had the benefit of planning permission. Within the immediate vicinity of the appeal site there are other decked areas. However, these are either not as bulky as the appeal development, do not also include a shed or

make use of glazed balustrades. I do not consider that the examples of other developments in the locality are directly comparable with the appeal proposal, and their existence does not justify allowing harmful development which would not accord with the development plan for the area.

13. For the above reasons, I conclude that the development causes material harm to the character and appearance of the area and therefore does not accord with the design aims of the Framework and saved Policies D2 and BE1 of the UDP.

### **Other Matters**

14. I acknowledge the reasons why the appellant wants a level area. However, there are other level areas immediately to the rear of the conservatory. In any event, the reasons for erecting the decking do not outweigh my conclusions on the main issues.

### **Conclusion**

15. Whilst the proposed building is acceptable in terms of its impact upon the character and appearance of the area, and the living conditions of the occupiers of neighbouring residential properties, the proposed decked area is not physically separate from such development and it has been necessary for me to consider the development as a whole. For the reasons outlined above, and taking into account all other matters raised, I conclude that the proposal as a whole would not accord with the development plan for the area. Therefore, the appeal is dismissed.

*Daniel Hartley*

INSPECTOR