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# Appeal Decision

Site visit made on 21 November 2018

**by N McGurk BSc (Hons) MCD MBA MRTPI**

**an Inspector appointed by the Secretary of State**

**Decision date: 6<sup>th</sup> December 2018**

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## **Appeal Ref: APP/Z4718/D/18/3212860**

### **126 Coniston Avenue, Dalton, Huddersfield, HD5 9PU**

- 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 M Sajjad against the decision of Kirklees Council.
  - The application Ref 2018/62/90717/W, dated 2 March 2018, was refused by notice dated 17 July 2018.
  - The development proposed is the erection of single and two storey extension.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matters**

2. The appellant submitted an amended plan<sup>1</sup> on 25 June 2018, following discussions with the Council.
3. I have taken the description from the decision notice, which is more detailed than the application form (which refers only to "extensions").

### **Main Issues**

4. The main issues in this case are the effect of the proposed development on the character and appearance of the area; and its effect on the living conditions of the occupiers of 124 Coniston Avenue, with regards to outlook and sunlight.

### **Reasons**

#### *Character and appearance*

5. The appeal property is a semi detached two storey dwelling which has been extended to the side and rear. It is located in a prominent position at the corner of Coniston Avenue and Derwent Drive.
6. The property has a small garden to the front, facing Coniston Avenue and a larger garden to the rear. There is also a small single garage to the rear.
7. The surrounding area is residential in character and largely comprises single and two storey semi detached dwellings with small gardens and/or parking areas to the front and larger gardens to the rear.

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<sup>1</sup> Ref: WAA 051/203.

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8. During my site visit I observed that the extensions to the appeal property have led the appeal property to extend closer to Derwent Drive than the front building line of neighbouring properties along that street; and its two storey extension to the rear results in a large expanse of brickwork running alongside Derwent Drive for some considerable distance. Also, a porch to the side of the property extends to the pavement edge.
9. As a result of a combination of the above and its prominent corner location and position at the top of Derwent Drive, which rises quite steeply up to Coniston Avenue, the appeal property appears as a dominant feature in its surroundings.
10. The proposal would extend the existing single storey element to the rear of the property by increasing it to two stories in height, with a flat roof at eaves height. It would also include a single storey rear extension, flush with the side elevation of the property.
11. The proposed ground floor extension would have a hipped roof to the section of roof facing towards No 124 Coniston Avenue and a lean-to roof adjacent to Derwent Drive. I find that this would appear as an awkward arrangement, creating an unbalanced appearance. Further, this would combine with the proposed flat roof and the existing main roof to create an uncomfortable juxtaposition of features at roof level.
12. In addition to the above, the proposed ground floor extension would result in the large expanse of brickwork alongside Derwent Drive extending even further and I consider that this would result in the appeal property appearing unduly bulky and overly dominant when seen from the side. The harmful impact of this would be exacerbated as a result of the proposed two storey element adding considerable further bulk to the property when seen from the rear.
13. Whilst I note that the proposal would involve the demolition of the garage, I find that this would do little, if anything, to lessen the overwhelming scale and bulk of the development proposed.
14. Taking all of the above into account, I consider that the proposed development would harm the character and appearance of the area. This would be contrary to the National Planning Policy Framework and to the Council's UDP<sup>2</sup> Policy D2, which together amongst other things, protect local character.

#### *Living conditions*

15. The proposal would result in the presence of a tall, two storey extension projection projecting from the rear of the appeal property, immediately adjacent to the attached property, No 124 Coniston Avenue. Whilst I note that the Council, in its assessment of the proposal, considered that significant harm would arise in respect of a loss of sunlight, there is no substantive evidence before me to demonstrate that this would be the case.
16. However, during my site visit I observed there to be windows, at ground floor and at first floor level, to the rear of No 124 in very close proximity to the appeal property. I consider that, as a result of its height and proximity, the

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<sup>2</sup> Ref: Kirklees Unitary Development Plan (2007).

proposed two storey extension would “loom” above the closest ground floor window of No 124, such that it would appear overbearing from that window.

17. Further to the above, I also find that the first storey element of the proposal would project in such a manner that it would appear unduly prominent in the outlook from the closest first floor window of No 124.

18. Taken together, I find that the above factors would result in a development that would result in significant harm to the outlook from the rear of No 124, to the detriment of the living conditions of the occupiers of that property. This would be contrary to the Framework and to Policies D2 and BE14 of the Council’s UDP, which together amongst other things, seek to protect residential amenity.

### **Other Matters**

19. In support of his case, the appellant has referred to other developments in the surrounding area. However, there is no substantive evidence to demonstrate that these examples are so similar in every aspect to the appeal before me as to provide for direct comparison. Notwithstanding this point, I have found that the proposal would result in significant harm and this is not something that is outweighed by the presence of other developments in the vicinity.

### **Conclusion**

20. For the reasons given above, the appeal does not succeed.

*N McGurk*

INSPECTOR



## Appeal Decision

Site visit made on 17 December 2018

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

an Inspector appointed by the Secretary of State

Decision date: 8<sup>th</sup> January 2019

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**Appeal Ref: APP/Z4718/D/18/3214652**

**8 and 10 High Street, Scapegoat Hill, Huddersfield HD7 4NJ**

- 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 Holliday and Mr Jackson against the decision of Kirklees Council.
  - The application Ref 2018/62/91763/W, dated 30 May 2018, was refused by notice dated 1 August 2018.
  - The development proposed is a single storey rear extension to 8 High Street and 10 High Street.
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### Decision

1. The appeal is dismissed.

### Main Issue

2. The main issue is the effect on the character and appearance of the area.

### Reasons

3. With regard to 10 High Street, the proposal would result in a single storey pitched roof rear extension with basement below. This would extend almost to the full depth of the land to the rear. It would be of a form similar to a previously approved application which allowed an extension three metres deep. The officer report indicates that it was suggested that the depth of this proposal be reduced to 3 metres from the depicted 5.3 metres.
  4. The back of this property does not have any particular architectural merit and the existing rear yard is not a positive visual feature of the area. The proposal would not represent an uncommon form of rear addition although it would be of a significant depth and would take up all of the rear amenity area. Despite this depth, being single storey with a relatively low pitched roof, it would not dominate the host dwelling. It is accepted that the depth of the extension would not result in concerns with regard to the living conditions of the neighbouring residents.
  5. The permitted extension and the shorter depth for this addition suggested by the Council would leave a small yard area to the rear which would reduce the impact of the development on the street scene and allow for an appropriate rear boundary to be introduced. I find that extending so close to the boundary, particularly given the changes in levels, which would require the lower part of
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the extension to be built to a greater height, would result in it being a dominant feature within the street scene. The appearance of the rear of these properties is important given that they face the frontages of the properties on Bonny Clough View.

6. The extension would make efficient use of this land, it would be separated from the road by the parking bay and it would have satisfactory detailing. However, as a result of it being built so close to the boundary, it would result in harm to the character and appearance of this area and it would represent poor design in this particular context.
7. The extension to 8 High Street would continue the roof line of the neighbouring extension to provide a bike store. This would similarly be built close to the rear boundary although a narrow strip of yard would be left due to the angle of the boundary. Given this slight set back and its narrower form, it would not be as imposing as the proposed neighbouring extension but it would nevertheless represent an uncharacteristic addition that would not make a positive contribution to the street scene.
8. In combination, the proposals would result in overly prominent and incongruous additions to these dwellings and the streetscape of Bonny Clough View. They would represent poor design in this particular context and would fail to accord with the design aspirations of Policies D2(vi & vii), BE1(ii) and BE2(i) of the Kirklees Unitary Development Plan 1999. Policy PLP24(a) of the Publication Draft Local Plan includes similar design requirements. As these policies generally accord with the design objectives of the *National Planning Policy Framework 2018*, I afford them considerable weight.
9. I have considered the matters put forward by the appellants and I have had regard to the planning permissions granted locally, including that at 12 High Street. However, these matters do not outweigh my concerns. I therefore dismiss the appeal.

*Peter Eggleton*

**INSPECTOR**