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## Appeal Decision

Site visit made on 17 June 2019

by **J M Tweddle BSc(Hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 July 2019

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**Appeal Ref: APP/Z4718/D/19/3227339**

**26 Old Mill View, Thornhill Lees, Dewsbury WF12 9QJ**

- 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 Yunus Umarji against the decision of Kirklees Metropolitan Borough Council.
  - The application Ref 2019/62/90046/E, dated 9 January 2019, was refused by notice dated 27 February 2019.
  - The development proposed is described as a 4m two-storey extension to the rear with smaller single-storey extensions to the front and side.
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### Decision

1. The appeal is dismissed insofar as it relates to the two storey rear extension and the single storey side extension. The appeal is allowed insofar as it relates to the single storey front extension and planning permission is granted for a single storey front extension at 26 Old Mill View, Thornhill Lees, Dewsbury WF12 9QJ in accordance with the terms of the application, Ref 2019/62/90046/E, dated 9 January 2019, so far as relevant to that part of the development hereby permitted and subject to the following conditions:
  - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
  - 2) The front extension hereby permitted shall be carried out in accordance with the following approved plans: Proposed Plans and Elevations (Drawing No S02) and the Work Specification (Drawing No S03) only in so far as relevant to the part of the development hereby approved.
  - 3) The materials used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

### Procedural Matters

2. Although not included in the Council's reason for refusal, following my site visit, I considered the effect of the proposal on the character and appearance of the host dwelling and the surrounding area to be a significant factor in the determination of this appeal. Consequently, both parties were given the opportunity to comment on this issue and therefore no one would be prejudiced by me taking this matter into consideration.

3. The Kirklees Local Plan 2013-2031 (the KLP) was adopted by the Council on 27 February 2019, the same day the refusal notice was issued for the appeal proposal. The KLP now forms part of the statutory development plan and replaces the saved policies of the Kirklees Unitary Development Plan (the UDP). The Council have advised that saved UDP policies D2 and BE14, which are quoted in the refusal notice, have been superseded by KLP policy LP24. KLP policy PLP24 is also quoted in the Council's refusal notice, however, this policy title was revised to policy LP24 in the adopted version of the KLP. I am content that the text of the policy has remained the same. Consequently, I have had regard to the policies of the adopted KLP in my decision and the parties have been provided with an opportunity to comment on this policy change in so far as it relates to the appeal proposal.

### **Main Issues**

4. The main issues are:
- The effect of the development on the character and appearance of the host dwelling and the surrounding area; and,
  - The effect of the development on the living conditions of the occupants of 24 Old Mill View with particular regard to matters of outlook and light.

### **Reasons**

#### *Character and appearance*

5. The area is characterised by detached residential properties as part of a modern housing estate. The properties are finished in brick with traditional pitched roofs and gable features.
6. The proposal would introduce a large two storey rear extension, a single storey flat roof side extension and include alterations to enclose the existing front porch. The single storey side extension would be an incongruous addition to the property that would not be in keeping with the traditional appearance of the host property or surrounding buildings, where the predominant roof form is pitched. Whilst the extension would be limited to single storey in scale it would nevertheless introduce a discordant and therefore harmful roof form that would be visually prominent within the street owing to its location and the staggered positioning of the property in relation to its neighbours. I also note the Council raised concern over flat roofs in respect of design.
7. Regarding the proposed two storey rear extension and alterations to the front porch, I consider that these elements would not harm the character and appearance of the host dwelling or the surrounding area due to their scale and design. However, I have found that the proposed single storey flat roof side extension would have a significant harmful effect on the character and appearance of the host dwelling and that of the surrounding area. This element of the proposal would therefore be contrary to policy LP24 of the Kirklees Local Plan 2013-2031 and the National Planning Policy Framework (the Framework) which seek to achieve high quality standards of design which reflect local distinctiveness.

### *Living Conditions*

8. The proposed two storey rear extension would introduce a large blank elevation along the shared boundary with 24 Old Mill View. The rear elevation of No 24 sits noticeably forward of the rear elevation of the appeal property and is at a slight oblique angle.
9. The combination of these factors is such that the two storey extension would introduce a large and imposing blank elevation that would have a significant overbearing effect restricting the outlook of the nearest rear windows of No 24 and part of its rear private garden area. Furthermore, given the orientation of the appeal site and the scale and location of the proposed rear extension, the development would significantly increase the level of shadowing to the rear of No 24 after midday to sunset each day, with the effect being particularly acute during the winter months when the sun is on its lowest trajectory in the sky. Together, these effects would significantly diminish the residents' enjoyment of their property.
10. No issues are raised with regard to the effect of the proposed single storey side and front extensions on the living conditions of any nearby residents and, from the evidence before me, I have no reason to disagree with this.
11. To conclude on this issue, the proposed two storey extension would cause significant harm to the living conditions of the occupiers of No 24 Old Mill View, due to an unacceptable loss of outlook and significant overshadowing. This would be in conflict with policy LP24 of the Kirklees Local Plan 2013-2031 and the Framework which together require development to provide a high standard of amenity for future and neighbouring occupiers.

### **Other matters**

12. I note the main parties' position with regard to the impact of the single storey side extension on the character and appearance of the host dwelling and the surrounding area, and that this was not raised as a concern within the Council's refusal notice. However, the fact that this matter has not been previously raised does not diminish the harm I have found in this regard.
13. I note the appellant's desire to increase the living space for his growing family and that there was no objection from the neighbours, but this does not justify the harm I have found in this case.
14. My attention has been drawn to several other developments in the area which the appellant suggests are similar to the appeal proposal. However, I do not have the full details of these other developments before me and cannot therefore be sure that they represent a direct comparison or if indeed they benefit from planning permission. In any case I have considered the appeal on its own merits.

### **Conclusion**

15. The appeal proposal includes three distinct elements: a two storey rear extension; a single storey side extension; and, a single storey front extension. I find the single storey front extension to be acceptable, and complies with the relevant development plan policies. This element of the proposal is clearly severable from the remainder of the scheme, as it is physically and functionally independent. Therefore, I shall issue a split decision in this case and shall allow

the single storey front extension, subject to conditions which are required to provide certainty and to safeguard the character and appearance of the host dwelling and surrounding area.

16. In respect of the proposed two storey rear and single storey side extensions, for the reasoning set out above, I have found these elements to be harmful and would conflict with the policies of the development plan. Therefore, I dismiss the appeal in respect of the two storey rear and single storey side extensions.

*Jeff Tweddle*

INSPECTOR