



## Appeal Decision

Site visit made on 9 November 2016

**by Gary Deane BSc (Hons) DipTP MRTPI**

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

**Decision date: 17 November 2016**

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### **Appeal Ref: APP/Z4718/D/16/3159917**

### **138 Gomersal Lane, Little Gomersal, Cleckheaton BD19 4JQ**

- 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 S Mann against the decision Kirklees Metropolitan Council.
  - The application Ref 2016/62/91588/E, dated 11 May 2016, was refused by notice dated 11 July 2016.
  - The development proposed is the erection of a single storey extension.
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### **Decision**

1. The appeal is allowed and planning permission is granted for the erection of a single storey extension at 138 Gomersal Lane, Little Gomersal BD19 4JQ in accordance with the terms of the application Ref 2016/62/91588/E, dated 11 May 2016, subject to the conditions set out in the schedule to this decision.

### **Procedural matter**

2. At the site visit, I viewed the site from 154 Gomersal Lane with the consent of the occupier of this adjacent residential property and did so unaccompanied.

### **Main issues**

3. The main issues are the effect of the proposed development, firstly, on the character and appearance of the local area; and secondly, on the living conditions of the occupiers of 154 Gomersal Lane with regard to visual impact.

### **Reasons**

#### *Character and appearance*

4. The appeal property is a detached house that occupies a good-sized plot in a mainly residential area. Like several properties along the same side of Gomersal Lane as the site, No 138 is of individual design and is set back from the road with notable gaps between it and the buildings on either side. The diversity of built form and the spacious informal feel to the street scene positively contribute to the character and appearance of the local area. These features also add to the setting of the adjacent Little Gomersal Conservation Area (CA), the boundary of which includes Gomersal Lane but not the appeal property or those on either side of the site.
  5. The proposal is to erect a single storey extension at the rear of the existing dwelling. It would lengthen the built form of No 138, enlarge its footprint and
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add to its scale and mass. Nevertheless, compared to the existing dwelling the new addition would be modest in scale, bulk and height with a ridgeline set below that of the existing side addition to which it would attach. Consequently, the proposed development would be clearly subordinate to the existing house and the sense of space around the rear and side of the host building would be retained with the new built form in place.

6. The new addition would project further into the garden than the conservatory on the opposite side of the rear façade and the dual pitched roof would be at 90-degrees to that of the existing side addition. However, there would be no visual disharmony because the proposal would be a proportionate addition. The shape and pitch of the new roof would reflect that of the existing 2-storey rear gable and the external materials would match the existing dwelling. As a result, the appeal scheme would not undermine the design or form of the existing dwelling even taking into account the various external alterations and extensions that have been carried out. Taken together, the proposal would relate reasonably well to the character and appearance of the host building.
7. When seen from Gomersal Lane, the new extension would elongate the flank wall of the existing side addition, although it would be seen with the far more substantial host building just to one side. In that context, the side elevation of the finished building would not appear overly long, large or bulky. From the road, the oblique angle of view would cause the proposal to appear to reduce the gap between No 138 and the adjacent property, which is 154 Gomersal Lane, by introducing additional built form. Even so, No 154 is noticeably set back from the common boundary with the site and the new roof slope would angle away from this neighbouring property. Consequently, sufficient space would be retained to preserve the visual break between the finished dwelling and No 154. This arrangement would ensure that these buildings would continue to be viewed in the local street scene as separate, distinct entities because there would be a clear gap between them. As a result, the sense of openness in the local street scene with adjacent buildings that are well spaced apart would be maintained.
8. On the first main issue, I therefore conclude that the proposed development would not materially harm the character or appearance of the host building or the local area. The setting of the adjacent CA would be preserved. As such, there is no material conflict with Policies D2, BE1, BE2, BE13 and BE14 of the Kirklees Unitary Development Plan (UDP). These policies aim to ensure that development achieves good quality design, respects the style of the existing house, and does not prejudice visual amenity or the character of the area. It also accords with the National Planning Policy Framework (the Framework), which places considerable emphasis on securing high quality design. The Framework also notes that development should respond to local character and add to the overall qualities of an area.

#### *Living conditions*

9. The upper part of the new addition would project noticeably above the wall and hedgerow that mark the shared rear boundary with No 154. As a result, the proposal would be visible from the windows of No 154 that face towards the site and some of its garden. That the proposal would occupy an elevated

position in relation to No 154 due to the notable difference in ground levels would accentuate its visual impact when seen from this neighbouring property.

10. Nevertheless, the existing boundary wall and hedgerow would partly shield and visually soften the new development in views from No 154. While the existing vegetation is not a permanent feature, I attach some weight to a significant landscape feature between Nos 138 and 154. Taken together with the modest scale and height of the development proposed, the set back position of No 154 from the common boundary with the site, and having viewed the site from this adjacent property, I consider that the new addition would not overbear on the occupiers of this neighbouring dwelling.
11. On the second main issue, I therefore conclude that the living conditions of the occupiers of No 154 would not be significantly harmed by the proposal. As such, I find no material conflict with UDP Policies D2 and BE1 insofar as they aim to safeguard residential amenity. It would also be in accordance with a core principle of the Framework, which is to always seek to secure a good standard of amenity for all occupants of land and buildings.

### **Conditions**

12. In addition to the standard time limit condition, it is necessary to impose a condition that requires the development to be carried out in accordance with the approved plans for certainty. To ensure the satisfactory appearance of the finished building, a condition is imposed to require that the external materials of the extension match those of the existing dwelling. To safeguard the amenity of the occupiers of No 154, permitted development rights are removed exceptionally for any windows in the east elevation of the new extension. These conditions largely reflect those suggested by the Council.

### **Conclusion**

13. For the reasons set out above, I conclude that the appeal should be allowed.

*Gary Deane*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Refs 16/37 Site Plan, 16/37 Existing Plans, 16/37 Proposed Extn and the Location Plan, which shows the site edged red.
- 3) The materials to be used in the construction of the external surfaces of the extension hereby permitted shall match those used in the existing building.
- 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows/dormer windows shall be constructed on the east elevation of the extension hereby permitted.