

Appeal Decision

Site visit made on 29 November 2016

by Michael Moffoot DipTP MRTPI DipMgt MCMI

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

Decision date: 13th December 2016

Appeal Ref: APP/Z4718/D/16/3161063

107 Thornton Lodge Road, Thornton Lodge, Huddersfield HD1 3SB

- 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 Mussarat Begum against the decision of Kirklees Metropolitan Borough Council.
 - The application Ref. 2016/62/92517/W, dated 22 July 2016, was refused by notice dated 23 September 2016.
 - The development proposed is a first floor rear extension.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The refused drawings show a two-storey rear extension to the appeal property providing a ground floor kitchen/diner and a first floor bedroom. There is no dispute between the parties as to the acceptability of the single-storey element of the scheme, which the Council advises is 'permitted development'. I am satisfied that this aspect of the proposal would cause no material harm and would not conflict with any development plan policies I have been referred to. I shall therefore confine my detailed considerations to the proposed first floor rear extension.

Main Issue

3. The main issue in this case is the effect of the proposed development on the living conditions of the occupiers of nearby properties, with particular reference to outlook and daylight and sunlight.

Reasons

4. The appeal site comprises a two-storey mid-terrace dwelling of stone construction under a slate roof. The proposed extension would adjoin an obscure glazed first floor bathroom window serving No 105. The window immediately abuts a large two-storey extension to the host property which no doubt reduces the amount of daylight and sunlight reaching the bathroom. The proposed extension would result in built development to each side of the window opening and would further diminish light to the room. Although the neighbour has not objected and it is not a habitable room where occupants are likely to spend a great deal of time, the reduction in daylight and sunlight would unacceptably harm their living conditions.
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5. The adjoining dwelling to the south (No 109) has windows to habitable rooms on the rear elevation. However, it is set back from the appeal property and the new extension would be set in from the common boundary by some distance. As a result, the outlook from these windows would not be materially compromised and the daylight and sunlight reaching the rooms would not be significantly diminished. The extension would, however, increase the sense of enclosure for users of the amenity space to the rear of No 109 and reduce daylight and sunlight levels to this area, to the detriment of the occupiers' living conditions.
6. No 6 Yews Hill Road is situated at right angles to the terrace, so that the ground and first floor windows in the property face the appeal site at relatively close quarters. The proposed extension would dominate the outlook from these openings and create an oppressive living environment for the occupiers. Daylight and sunlight levels reaching these windows would also be reduced, but not to the degree that the occupiers' living conditions would be appreciably harmed.
7. In coming to these findings, I have taken into account a number of other two-storey extensions to the rear of properties in the vicinity of the appeal site drawn to my attention. However, in each case the relationship of the extension to adjoining dwellings differs to that of the appeal proposal and nearby properties, and comparison is not therefore relevant. I also acknowledge that the proposal would meet the family's requirement for additional bedspace, but this should not be at the expense of the neighbours' living conditions.
8. For these reasons, I conclude that the proposed extension would materially harm the living conditions of the occupiers of nearby properties. It would therefore conflict with saved policy D2 of the *Kirklees Unitary Development Plan* (2007) which, amongst other things, seeks to ensure that proposals do not prejudice residential amenity.
9. Accordingly, I conclude that the proposal is unacceptable and the appeal should fail.

Michael Moffoot

Inspector