



Appeal Decision

Site visit made on 26 September 2024

by Mrs Chris Pipe BA(Hons), DipTP, MTP, MRTPI

an Inspector appointed by the Secretary of State

Decision date: 7 November 2024

Appeal Ref: APP/Z4718/D/24/3347030

12 Ellison Street, Crosland Moor, Huddersfield HD4 5DS

- 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 O Akhtar against the decision of the Kirklees Metropolitan Council.
 - The application 2024/90251.
 - The development is demolition of existing garage and erection of single storey rear extension, raising of eaves and ridge height of existing dwelling, dormer windows to the front and additional alterations.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The Council changed the description of development from that stated on the application form. In the interests of clarity, I consider a revised description to include the front dormer windows is necessary I have accordingly adopted an amended description in the heading above.
3. On 30 July 2024 the Government published a consultation on proposed reforms to the National Planning Policy Framework (2023) (the Framework). The consultation and draft Framework do not constitute Government policy or guidance. However, they are capable of being material considerations in appeals. Notwithstanding this, in relation to this appeal the aims of both sets of policies are similar. No party would be prejudiced or caused any injustice by me proceeding with the appeal in light of the consultation.

Main Issues

4. The main issues in this appeal are the effect of the development on (i) the character and appearance of the host property and area in general and (ii) the living conditions of the occupiers of neighbouring properties No. 14 Ellison Street and 19 Rudding Street.

Reasons

Character and Appearance

5. The appeal site is a detached bungalow within a predominantly residential area. Properties vary in terms of design within the area, comprising predominantly a mix of semi-detached and detached bungalows and two storey properties.

6. Due to the different forms of properties in the area, roof design and heights vary, although properties which are of a similar design share consistent feature. For instance, the appeal site and No. 10 Ellison Street share a commonality of building form. Other bungalows in the street are a different design.
7. To the rear the proposed development by virtue of increasing the height of the roof and insertion of first floor windows would add bulk to the rear elevation. Notwithstanding this the development would be viewed in the context of the rear of the existing properties and would not be dissimilar to No.8 Ellison Street.
8. The House Extensions and Alterations SPD (2021) (the SPD) advises that consideration should be given to the surrounding buildings in the street when considering whether a dormer window is appropriate to the front. Front dormer windows are not a common feature in the immediate area.
9. Whilst some properties in the area have roof lights they are subservient and do not detract from the roof designs in the street. There is a slight increase in levels between properties in the street due to this the graduated stagger in roof height contributes to the aesthetics of the area. The increase in height of the appeal site would interrupt the architectural rhythm and would be incongruous.
10. The Council did not raise concern with regard to the single storey rear extension in terms of character and appearance, from the details before me I do not disagree.
11. Notwithstanding this I find that the proposed development would harm the character and appearance of the host property and area in general.
12. There is conflict with Policy LP24 of the Kirklees Local Plan Strategy and Policies (2019) (the Local Plan) which seek amongst other things for developments to respect the character of the townscape and be subservient to the original building in term of scale, materials and details. Similarly, there is conflict with Key Design Principles 1 and 2 of the SPD which echo the aims of Policy LP24.
13. There is also conflict with the Framework which seeks amongst other things to ensure developments are of good design.
14. The appellant has drawn my attention to the approval of alterations to roof and formation of two dormers to front elevation at the appeal site¹. From the details provided the approved dormers appear larger than the proposal before me. I understand that the development was approved under different planning policies, nonetheless the effect on the streetscene would be a matter of judgement. Notwithstanding this I have not been provided with substantive evidence to confirm that the 2017 approval is extant and as such I give this limited weight.

Living Conditions

15. I observed during my site visits that windows exist in the side elevation of No. 14 Ellison Street facing onto the appeal site. No. 14 has a ground level lower than the appeal site. Whilst there is a driveway separating the properties the

¹ Council Ref: 2017/90552

bulk of the proposed development would be prominent and overbearing to the neighbouring occupiers.

16. The appeal site is at a lower level to No. 19 Rudding Street, the proposed first floor windows would provide an opportunity to overlook the neighbouring private amenity space. Notwithstanding this a degree of mutual overlooking occurs within the area, this would therefore not be an unusual arrangement.
17. I conclude that the proposed development would not harm the living conditions of the occupiers of 19 Rudding Street, however there would be harm to the living conditions of No. 14 Ellison Street.
18. The proposal conflicts with Policy LP24 of the Local and the SPD which seek amongst other things to protect the amenities of existing occupiers of neighbouring properties.
19. There is also conflict with the Framework which seeks to ensure developments have high standards of amenity for existing and future users.

Conclusion

20. For the above reasons I conclude that this appeal should be dismissed.

C Pipe

INSPECTOR