
Appeal Decision

Site visit made on 1 November 2016

by Philip Major BA(Hons) DipTP MRTPI

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

Decision date: 15th November 2016

Appeal Ref: APP/X4725/D/16/3160563

30 Oakfield Crescent, Knottingley, Wakefield WF11 0JT.

- 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 Sharon Garbutt against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref: 16/01773/FUL, dated 20 July 2016, was refused by notice dated 26 September 2016.
 - The development proposed is the demolition of an existing outbuilding and construction of a single storey rear extension.
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Preliminary Matter

1. The original application made to the Council included a partially retrospective element for the retention of a garden wall. I note that this was removed from the application by email dated 1 August 2016 and that the description above accurately describes the proposal before me. I have considered the appeal on that basis.

Decision

2. The appeal is allowed and planning permission is granted for the demolition of an existing outbuilding and construction of a single storey rear extension at 30 Oakfield Crescent, Knottingley, Wakefield WF11 0JT in accordance with the terms of the application, Ref: 16/01773/FUL, dated 20 July 2016, 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 development hereby permitted shall be carried out in accordance with the following approved plans: SG/1, SG/2, dated July 2016.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing building.

Main Issue

3. The main issue in the appeal is the effect of the proposed development on the living conditions of the occupiers of the adjoining property, with particular reference to overshadowing and loss of light.
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Reasons

4. The proposed extension is similar to one nearby which I am informed was permitted earlier in 2016 (at 38 The Ridgeway). It would have a low pitched and hipped roof and as a result would minimise any impact on the neighbouring occupants.
5. I saw at my site visit that the common boundary with No 32 Oakfield Crescent currently has a high fence. As such the extension proposed would not extend a great deal higher, and when combined with the shallow rake of the roof would lead to any loss of daylight to the garden of No 32 being very small. I also note that the extension would be located largely to the north of No 32, and hence loss of sunlight would not be likely to occur.
6. I am informed that the rear ground floor room at No 32 is served by both of the windows in the rear elevation. Hence, although some light would be lost from the window closest to No 30, the overall loss of light to that room would be limited.
7. Given the minor levels of light loss resulting from the design of the extension I am satisfied that the impact on the living conditions would be sufficiently small that it should not result in the proposal being refused. I do not find any conflict with Policies D9 and D10 of the development plan (Local Development Framework Development Policies) which, taken together, seek to ensure that the amenities of neighbours are not unduly harmed. Similarly I find no conflict with the complementary objectives of the National Planning Policy Framework.
8. The Council has suggested that a number of conditions be imposed in the event of planning permission being granted. I agree that conditions requiring compliance with the submitted plans, and requiring materials to match the existing building, are necessary to ensure a satisfactory form of development. However I do not consider that a conditions restricting permitted development rights is necessary since the Planning Practice Guidance indicates that such restrictions should be imposed only exceptionally. I am not aware of any exceptional circumstances here.
9. For the reasons given above I conclude that the appeal should be allowed.

Philip Major

INSPECTOR