

Appeal Decision

Site visit made on 4 January 2017

by I Jenkins BSc CEng MICE MCIWEM

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

Decision date: 27th January 2017

Appeal Ref: APP/X4725/D/16/3163618

The Smithy, South Lane, Netherton, Wakefield, WF4 4LN

- 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 Cook against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 16/01920/FUL, dated 4 August 2016, was refused by notice dated 25 October 2016.
 - The development proposed is a single-storey rear extension and single-storey porch to entrance.
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Decision

1. The appeal is allowed and planning permission is granted for a single-storey rear extension and single-storey porch to entrance at The Smithy, South Lane, Netherton, Wakefield, WF4 4LN in accordance with the terms of the application, Ref 16/01920/FUL, dated 4 August 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: 1618/100; 1618/101; 1618/102; 1618/110 D; 1618/111 D.
 - 3) The materials to be used in the construction of the external surfaces of the front and rear extensions hereby permitted shall match those used in the existing building.
 - 4) The rear extension hereby permitted shall not be occupied until the window contained within its southern elevation has been fitted with obscured glazing, and no part of that window that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the local planning authority before the window is installed and once installed the obscured glazing shall be retained thereafter.

Main Issues

2. I consider that the main issues in this case are the effect of the proposal on the living conditions of residents of The Smithy, with particular reference to amenity space, and the character and appearance of the appeal property and the group of buildings of which it forms part.
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Reasons

3. The appeal property is a dwelling situated in an area designated as Green Belt. The proposal involves extensions to the property, which would comprise a single-storey rear extension and a front porch. The Council accepts that the proposed development would be sufficiently limited so as not to result in disproportionate additions over and above the size of the original building. I agree. In this respect it would accord with Policy D23 of the *Wakefield Local Development Framework Development Policies* (DP). It also follows that it would not amount to inappropriate development in the Green Belt under the terms of the *National Planning Policy Framework* (the Framework).

Living conditions

4. The Council's *Residential Design Guide, November 1996* (RDG) indicates that it will normally seek a minimum private garden area of not less than 75 m², with an area at least 3 metres in depth from the rear of the dwelling which is not overlooked by adjacent sitting out areas or living and dining room windows. Whilst the rear garden area remaining after the proposed development would fall short of 75 m², as the same can be said of the existing rear garden area, in my judgement, this conflict with the guidance contained within the RDG would not be sufficient to justify withholding planning permission in this case.
5. The combined area of the front and rear gardens belonging to The Smithy greatly exceeds 75 m² and this would remain the case if the proposed extensions were built. In keeping with the requirements of the Council's RDG, the proposed rear extension would take up less than half of the area of the rear garden. In my view, the remaining areas to the north, south and rear of the proposed extension would not be so limited as to prevent them from continuing to function as amenity space. They would include areas adjacent to the back of the main building which would be unlikely to be overlooked from the adjacent dwellings. Furthermore, the appellant has indicated that amenity space provided by the front garden is of a superior quality to that of the existing rear garden, not least as it is larger, it benefits from sunlighting later in the day and the area closest to the front of the house is reasonably private. I agree.
6. I conclude that the effect of the proposal on the living conditions of residents of The Smithy, with particular reference to amenity space, would be acceptable and in this respect it would accord with the aims of DP Policies D9 and D10, which seek to protect the amenity of existing and future occupants, in keeping with the aims of the Framework. I consider, for the reasons set out above, that the technical conflict with the 75 m² RDG guideline would not be sufficient in this particular case to justify withholding planning permission.

Character and appearance

7. The Smithy is a two-storey mid-terrace house, within an L-shaped row of dwellings, which were formerly farm buildings. The front elevations of other properties in the row have a number of features that might reasonably be regarded as typical characteristics of former agricultural buildings, such as a large arched opening in the frontages of 2 of the dwellings, and the relatively plain front elevation of a third, which is punctuated by a number of doorway sized openings at ground floor level and unusually small window openings above. By comparison, The Smithy, with reference to its centrally positioned doorway and domestically proportioned windows, has more the appearance of

a traditional cottage. Against this background, the proposed small front porch, constructed in materials to match the existing building, would complement and reinforce the character of the dwelling.

8. The rear elevation of the row of which The Smithy forms part is irregular in character, including: single-storey and two-storey elements; a step in the two-storey rear building line between the Smithy and the adjoining property to the south; and, significant variations in the pattern of fenestration. In this context, the relatively small scale of the proposed rear extension as well as the use of matching materials and a pitched roof design in keeping with that of the main dwelling would be sufficient to ensure that it would not look out of place.
9. As I have indicated, in keeping with the requirements of the Council's RDG, the proposed rear extension would take up less than half of the area of the rear garden. Together, the proposed extensions would result in only a small increase in the footprint of the building, which would continue to be much smaller than the combined area of the front and rear gardens of The Smithy. The scheme would not result in a major increase in the developed proportion of the site.
10. I conclude that the effect of the proposal on the character and appearance of the Smithy and the group of buildings of which it forms part would be acceptable and in this respect it would accord with the aims of DP Policies D9, D10 and D23 as well as the aims of the Framework, such as securing good design, reinforcing local distinctiveness and integrating new development into the built environment.

Other matters

11. The ground floor level of The Coach House, which adjoins the Smithy on its northern side, is higher than that of the appeal property. I consider that, due to the difference in ground levels, the single-storey nature of the proposed rear extension as well as the separation distance between it and the nearest back window of The Coach House, the proposal would be unlikely to noticeably reduce the daylight received by that neighbouring window. For the same reasons, it would not appear unduly dominant when seen from there. Furthermore, as that east facing neighbouring window is narrow, the room it serves is unlikely to benefit to any significant extent from sunlight from a southeasterly direction. Under these circumstances, I consider that the proposed rear extension, which would be situated to the southeast of the nearest back window of The Coach House would be unlikely to materially reduce the sunlighting received by the room the window serves. I conclude that the effect of the proposal on the living conditions of residents of The Coach House would be acceptable and it would accord with the aims of DP Policies D9 and D10 as regards safeguarding the amenity of neighbouring residents.
12. The side boundaries of the front garden of the appeal property are enclosed by walls and the potential for overlooking of the patio area adjacent to the front of the house from windows of the nearest neighbouring properties is limited. That potential would be further reduced by the erection of the proposed porch. I am not convinced that the proposal would be likely to result in a requirement to also increase the height of the front garden boundary enclosures to enhance the privacy of the area. Such works do not form part of the proposal before me.

13. In my judgement, the proposed rear extension would be unlikely to result in a significant reduction in the levels of natural light received by the kitchen of The Smithy. Loss of light resulting from the proposed removal of the rear kitchen window and any overshadowing of the patio doorway adjacent to the proposed rear extension would be offset by light received by the kitchen from the adjoining extension, which would be served by windows and rooflights. The effect of the proposal on the living conditions of residents of The Smithy with respect to light would be acceptable and it would not conflict with DP Policies D9 and D10.
14. I give little weight to the Council's concern that the proposed development would set an undesirable precedent. Each case must be considered primarily on its own merits and I have found that the appeal scheme would not harm interests of acknowledged importance. Furthermore, as I have indicated, The Smithy differs from other properties in the row in a number of respects. In any future case it would remain open to the Council to show in the particular circumstances that harm would be caused. Neither this, nor any other matters raised are sufficient to outweigh the considerations which have led to my conclusions on the main issues.

Conditions

15. The Council has suggested 4 conditions which it considers should be imposed in the event that the appeal is allowed and planning permission granted. In addition to the normal commencement condition, a condition would be necessary in the interests of clarity and proper planning, to ensure that the permitted development would be carried out in accordance with the approved plans. In the interests of visual amenity, a condition would be necessary to ensure that the materials used in the external surfaces of the proposed extensions match those used in the existing building. In the interests of safeguarding the privacy of neighbouring residents, it would be necessary to ensure, through the imposition of a condition, that the window contained within the southern elevation of the proposed rear extension would be glazed with obscured glass.

Conclusions

16. I conclude on balance, that the proposal would amount to sustainable development under the terms of the Framework. It would accord with the Development Plan taken as a whole and there are no other material considerations sufficient to indicate that planning permission should nevertheless be withheld. For the reasons given above, I conclude that the appeal should be allowed.

I Jenkins

INSPECTOR