
Appeal Decision

Site visit made on 14 February 2017

by Paul Singleton BSc (Hons) MA MRTPI

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

Decision date: 3rd March 2017

Appeal Ref: APP/X4725/D/16/3167229

6 Kingsmead, Osset, West Yorkshire WF5 8RX

- 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 Carl Wiggins against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 16/02269/FUL, dated 10 September 2016, was refused by notice dated 24 October 2016.
 - The development proposed is bedrooms extension over garage.
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Decision

1. The appeal is dismissed.

Preliminary Matter

2. The planning application was made in the joint names of Mr and Mrs Wiggins but only Mr Wiggins' name was entered on the appeal form. I have, therefore, taken Mr Wiggins to be the appellants.

Main Issue

3. The main issue is the effect on the living conditions of the occupiers of the adjacent dwelling, at number 8 Kingsmead, with regard to loss of sunlight and daylight and outlook.

Reasons

4. The bungalow at No 8 stands slightly forward of the appeal property but the principal window on its southern elevation faces directly on to the side elevation of the attached garage to No 6. I saw on my site visit, at around lunchtime, that some 60% of the glazed area of that window was in shadow from the garage and that, to the rear of that window, the side wall and part of the roof of the bungalow was in the full shadow of the main, two storey element of the appeal property. I observed no shading of the side door and smaller side windows to the bungalow but, given the juxtaposition of the two properties, it is apparent that these would be in shadow earlier in the day.
 5. The appeal proposal would result in the single storey, side wall to the garage being replaced with a full, two storey elevation and in the roof of No 6 being increased in height from 2.25 metres (m) to 2.9m. The ridge of the roof of the appeal property would also be moved further to the north and closer to No 8. In view of the relatively narrow gap (of about 4m) between the two
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properties these changes would significantly increase the overshadowing effect of the appeal property resulting in the side windows and door of No 8 being in shadow for a much greater part of the day. They would also cause overshadowing to the private amenity space to the rear and side of No 8. Hence, the proposal would lead to a further loss of daylight and sunlight to the windows and habitable room on the south side of the adjoining bungalow and in a loss of sunlight to its private amenity space.

6. The 2 storey, side elevation of the extended house on the shared boundary would appear as a dominant and overbearing feature when viewed from the principal side window of No 8. In my view this would have a markedly detrimental effect on the outlook from that window and room.
7. The 4m distance between the properties falls significantly short of the Council's Residential Design Guide standards for the minimum separation distance in a secondary to side aspect relationship. These standards are designed to provide adequate protection in terms of daylight and outlook. Given that the proposal would replace a single storey elevation with a two storey one I see no reason why a lesser standard should be applied in this case. There may have been no objection from the occupier of the neighbouring dwelling but consideration should be given to the need to safeguard the living conditions both of the current and any future occupiers of that property.
8. I find that the proposal would have an unacceptably harmful effect on the living conditions of the occupiers of No 8 with regard to the loss of sunlight and daylight and on the outlook from that dwelling. It would conflict with Policy D9 of the Wakefield Local Development Framework Development Policies Document, which seeks that development proposals should have no significant detrimental impact on the amenity of neighbouring users or residents, and with Policy D10, which requires that extensions and alterations to dwellings should respect residential amenity.

Other Matters

9. The appellant's statement refers to an extension to a nearby house on Kingsway. I have no information as to the detailed planning history of that development but it is necessary that each proposal is assessed on its individual merits.
10. The proposed development would be of advantage to the appellant in terms of the additional accommodation it would provide. However, that is a wholly private benefit which can be given little weight. It would not outweigh the harm that would be caused by the proposal.

Conclusions

11. For the reasons set out above I conclude that the appeal should be dismissed.

Paul Singleton

INSPECTOR