

Appeal Decision

Site visit made on 30 March 2017

by Gary Deane BSc (Hons) DipTP MRTPI

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

Decision date: 11th April 2017

Appeal Ref: APP/X4725/D/17/3168675

2 Normans Way, Sandal, Wakefield WF2 6SS

- 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 Umesh Ahir against the decision of Wakefield Metropolitan District Council.
 - The application Ref 16/02658/FUL was refused by notice dated 15 December 2016.
 - The development proposed is the erection of a 2-storey rear extension and basement.
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Decision

1. The appeal is dismissed.

Procedural matter

2. During the site visit, I was invited by the occupiers of 36 Lime Crescent to view the site from their property, which is adjacent to the site. I accepted this invitation and undertook the viewing from No 36 unaccompanied.

Main issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of 36 Lime Crescent with particular regard to outlook, light and visual impact.

Reasons

4. The appeal property is a detached house within a predominantly residential area. Due to the notable difference in ground levels, the existing dwelling is 2-storeys at the front and 3-storeys to the rear. The proposal is to erect a 3-storey extension at the back of the main house.
 5. To one side of the site, beyond a boundary fence and narrow passageway, is 36 Lime Crescent, which is a detached dwelling. Within the side elevation of No 2 that faces the site is a window that serves a kitchen and dining area, which is hereafter referred to as the window. The window provides the sole outlook from a room within which the occupiers of No 36 could be expected to spend a reasonable amount of time, whether or not it is regarded as a habitable room. The window and an obscurely glazed entrance door also provide an important source of natural light to the kitchen and dining area.
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6. From the window, I saw that the existing sidewall of No 2 is a substantial feature in direct view at close range just beyond the timber fence that marks the shared boundary. The flank wall of No 2 visually dominates the outlook from the window and would also influence the natural light reaching the room that it serves. In those circumstances, it seems to me that any reduction in outlook from and natural light to the window could be significant.
7. The proposal would significantly elongate the flank wall of No 2 by introducing additional built form. Views of the new addition through the window would be at oblique angle without necessarily pressing the face against the glass as the appellant suggests. Having viewed the site from the window, the main effect of a longer flank wall would be to effectively close off what remains of a limited open outlook beyond the rear of No 2. In doing so, it would make a poor outlook considerably worse. The scale and mass of the completed flank wall would also cause it to be so imposing as to further overbear on the occupiers of this adjacent property as well as reducing the natural light entering into the kitchen and dining area of No 2. This arrangement would exacerbate the visual impact of the new development, causing it to feel oppressive to the occupiers of No 36 when seen from their kitchen and dining area.
8. The appellant states that the occupiers of No 36 bought their property in the knowledge of the close relationship between the two properties. However, the introduction of a rear extension, as proposed, would change that relationship in a way that I consider to be objectionable. In my assessment, I have also taken into account the very limited outlook from the window in the opposite direction, which is towards the front of No 2 and would remain unchanged.
9. On the main issue, I conclude that the proposed development would materially harm the living conditions of the occupiers of No 36. Accordingly, it conflicts with Policies D9 and D10 of the Council's Local Development Framework Development Policies Document insofar as they aim to safeguard residential amenity. It would also be at odds with a core principle of the National Planning Policy Framework, which is to always seek to secure a good standard of amenity for all occupants of land and buildings.
10. The appellant states that the additional living accommodation is needed, in part, for his elderly parents. Once complete, it would also enhance the living conditions of the appellant and his family. However, there is nothing before me to indicate that these outcomes could only be achieved in the manner proposed. These considerations do not outweigh the identified harm.
11. Interested parties raise several additional objections to the proposal including privacy, precedent, energy use, potential noise and general disturbance and human rights. These are all important matters and I have taken into account all of the evidence before me. However, given my findings on the main issue, these are not matters on which my decision has turned. As a copy of the Council's Residential Design Guide has not been provided, I have not assessed the proposal against its provisions.
12. For the reasons set out above, I conclude that the appeal should be dismissed.

Gary Deane

INSPECTOR