



Appeal Decision

Site visit made on 18 July 2017

by Beverley Wilders BA (Hons) PgDurp MRTPI

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

Decision date: 28 July 2017

Appeal Ref: APP/X4725/D/17/3177358

10 Florin Way, Pontefract, West Yorkshire WF8 4DG

- 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 Jacqueline Dawson against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 17/00686/FUL, dated 7 March 2017, was refused by notice dated 18 May 2017.
 - The development proposed is described as double storey side extension. Single storey rear extension is under construction as permitted development.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. Notwithstanding the fact that the description of development stated on the application form and used in the heading above refers to a single storey rear extension, the proposal as shown on the submitted plans relates solely to a two storey side extension. I have determined the appeal accordingly.

Main Issue

3. The main issue is the effect of the proposal on the living conditions of the occupiers of 8 Florin Way having regard to outlook and daylight/sunlight.

Reasons

4. The appeal site comprises a two storey semi-detached dwelling located in a small cul-de-sac of similar properties. The front and rear elevations of the host building are set further back than the front and rear elevations of the neighbouring dwelling at 8 Florin Way. No 8 has been extended to the side and its side elevation adjoins the common side boundary with the host building. The common side boundary between the rear gardens of the two dwellings is marked by timber fencing. The rear elevation of No 8 contains windows at ground and first floor and there is a patio area immediately to the rear of No 8 with a raised garden area beyond.
5. The proposed two storey side extension would be in line with the rear elevation of the host building and would extend very close to the common side boundary with No 8. The main parties appear to agree that it would consequently extend beyond the rear elevation of No 8 by approximately 4 metres. As stated the

rear elevation of No 8 contains ground and first floor windows some of which are close to the common side boundary and a rear patio area. Having regard to the height, depth and position of the proposed side extension, the outlook from these windows and this patio area would be significantly adversely affected by the proposal and this would be materially harmful to the living conditions of the occupiers of No 8. The impact of the two storey side extension at No 8 on the living conditions of the occupiers of the host building would have been less significant given that the extension did not extend beyond the rear elevation of the host building.

6. The relative orientation of the appeal site and No 8 means that whilst there is likely to be some overshadowing and loss of daylight to the rear elevation and rear garden of No 8 resulting from the proposal, this is unlikely to be significant.
7. In reaching my decision I have had regard to the fact that no objections were raised to the proposal by the occupiers of No 8 and also to the fact that the nearest part of the dwelling at No 8 to the proposal forms part of an extension to that property. However this does not affect my consideration of the impact of the proposal which for the reasons stated, I consider would be harmful. The appellant also states that the main living accommodation at No 8 is centred around the original footprint of the dwelling and not the extended one. I have seen no evidence to suggest that this is the case and at my site visit I noted that the nearest windows at No 8 appear to serve habitable rooms. I acknowledge that the proposal would provide improved living accommodation for the appellant but this benefit does not outweigh the harm that I have identified.
8. Taking the above matters into consideration, I conclude that whilst the proposal would not have a significant adverse effect on the amount of daylight/sunlight received by No 8, it would have a significant adverse effect on the living conditions of the occupiers of No 8 having regard to outlook. It is therefore contrary to policies D9 and D10 of the City of Wakefield Metropolitan District Council Local Development Framework Policies and to section 7 of the National Planning Policy Framework. These policies seek, amongst other things, to ensure that development proposals including extensions do not harm the amenity of occupants of neighbouring properties.

Conclusion

9. For the above reasons and having regard to all matters raised, I conclude that the appeal should be dismissed.

Beverley Wilders

INSPECTOR