



Appeal Decision

Site visit made on 10 July 2017

by Darren Hendley BA(Hons) MA MRTPI

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

Decision date: 9th August 2017

Appeal Ref: APP/X4725/D/17/3174273

53 Queens Crescent, Ossett WF5 8AU

- 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 Mathew Wood against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 17/00300/FUL, dated 1 January 2017, was refused by notice dated 31 March 2017.
 - The development proposed is a rear extension.
-

Decision

1. The appeal is allowed and planning permission is granted for a rear extension at 53 Queens Crescent, Ossett WF5 8AU in accordance with the terms of the application, Ref 17/00300/FUL, dated 1 January 2017, 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: Location Plan; Drg Ref Q/1 Amendment 07.01.2015 Existing and Proposed Plans; Drg Ref Q2 Proposed Ground Floor Plan; and Drg Ref Q3 Block Plan.
 - 3) The materials to be used in the external surfaces of the development hereby permitted shall match those used in the existing building.
 - 4) Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, doors or other openings shall be constructed on the side (south west) elevation of the development hereby permitted facing No 55 Queens Crescent.

Main Issue

2. The main issue is the effect on the living conditions of the occupiers of No 55 Queens Crescent by way of light and outlook.

Reasons

3. The appeal property comprises of a detached house which is at a land level approximately 1m higher than the neighbouring property at No 55. A brick wall inset with wooden panels is found on the boundary which, on the side of the appeal property, is approximately 1.5m in height. The house at No 55 is

set an angle to the boundary so the rear elevation windows are orientated towards the boundary. The windows that would be nearest the proposal relate to an open plan kitchen.

4. The proposal would be sited to the north east of No 55 and as such it would not result in significant overshadowing resulting from the direction of sunlight. In respect of daylight, The Council's Supplementary Planning Guidance SPG2 Residential Design Guide (1996) (SPG) applies a 45 degree angle test from room windows to assess the effect on the occupiers of neighbouring dwellings. Whilst this may be technically breached in respect of the kitchen windows, with the modest height and length of the proposal, and as it is set in from the boundary with the roof further angling away, it would still allow for sufficient daylight to reach windows. The difference in land levels would also not significantly affect daylight because of its modest proportions and its siting.
5. The positioning of the house at No 55 would also result in the outlook from the kitchen windows being more directly orientated beyond the proposal, towards the remainder of the boundary and rear garden area of the appeal property. The difference in land levels would not therefore make an appreciable difference to outlook. A further window and a door, beyond the kitchen windows, are located some distance from where the proposal would be sited, and would not be significantly affected in terms of light or outlook. A narrow window is found on a recessed element of the rear elevation near to the boundary with the appeal property, although a 2m gate in front of this window would largely screen the proposal. It would not appear prominent from the rear of No 55 and would not therefore be oppressive or overly dominant.
6. The SPG also refers to a separation distance of 12m between the main to side aspects of dwellings, in order to protect living conditions. At its closest point the proposal would be approximately 6m from No 55, although as the house is at an angle, its rear elevation would not face directly onto the side of the proposal and the majority of the rear elevation would be a significantly greater distance away. The guidance on separation distances is also principally aimed at two storey development and is not contained in the appendix in the SPG which deals specifically with house extensions. It is not therefore of direct relevance and I attach limited weight to the guidance on separation distances and this does not alter my conclusions. The proximity of the proposal to No 55 does not result in unacceptable effects in respect of light or outlook.
7. I conclude the proposal would have an acceptable effect on the living conditions of the occupiers of No 55 by way of light and outlook. It would therefore comply with Policies D9 and D10 of the City of Wakefield Metropolitan District Council Local Development Framework Development Policies Document (2009) which require that development shall have no significant impact on the amenity of neighbouring residents and will only be permitted if it would not significantly overshadow neighbouring dwellings.
8. I also conclude it would comply with paragraph 17 of the National Planning Policy Framework as it would secure a good standard of amenity for all existing and future occupants of land and buildings. It would also comply with the SPG, as whole, because as an extension it would respect the amenity of existing neighbouring uses.

Conditions

9. I have imposed conditions in the interest of certainty (1 and 2); to safeguard the character and appearance of the building and area through the use of matching materials to the existing building (3); and to protect the living conditions of the occupiers of No 55 by way of privacy by preventing the insertion of windows, doors and other openings on the elevation of the proposal facing their property (4).

Conclusion

10. I conclude the appeal should be allowed.

Darren Hendley

INSPECTOR