
Appeal Decision

Site visit made on 24 October 2017

by David Cross BA (Hons), PGDip, MRTPI

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

Decision date: 17 November 2017

Appeal Ref: APP/X4725/D/17/3180356

35 New Road, Middlestown, Wakefield WF4 4NP

- 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 & Mrs James and Louise Faircliffe against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 17/00703/FUL, dated 14 March 2017, was refused by notice dated 8 May 2017.
 - The development proposed is 2-storey extension.
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Decision

1. The appeal is dismissed.

Procedural Matter

2. The description of development in the heading above has been taken from the planning application form. However, in Part E of the appeal form it is stated that the description of development has not changed but, nevertheless, a different wording has been entered. Neither of the main parties has provided written confirmation that a revised description of development has been agreed. Accordingly, I have used the one given on the original application.

Main Issues

3. The main issues in this appeal are the effect of the proposal on the:
 - Living conditions of residents of 33 New Road in respect of outlook and light.
 - Living conditions of residents of the appeal property with regard to outlook and light in respect of a bedroom to the rear.

Reasons

Living Conditions – 33 New Road

4. The proposed extension would be built above an existing ground floor extension to the rear. Although the proposal would be set back from the boundary with 33 New Road, the separation distance from the boundary would be limited. Whilst No 33 has also been extended to the rear, I saw that there were patio doors on the main rear wall of the dwelling which served a main habitable room.

5. Due to the relationship between the appeal site and No 33, the proposal would significantly reduce the amount of daylight and sunlight reaching the patio doors as well as the amenity area which they face onto. The overshadowing which would arise from the proposal, particularly at midday and at certain times of year, is illustrated by the sun studies submitted by the appellants.
6. Furthermore, I consider that the combined effect of the existing extension to the rear of No 33 and the increased height of the proposed extension would have a tunnelling effect and create an undue sense of enclosure both to the patio doors and amenity area of that property. The extent of flank wall in close proximity to the boundary would appear as a stark and overbearing feature when viewed from the rear of No 33. Whilst the eaves of the proposed extension would be set below the main eaves line of the host property, this would do little to ameliorate the effect on No 33 due to the proximity and scale of the proposed extension. The overbearing visual impact of the extension would add to the harm arising from loss of light identified above.
7. I note that the owner of No 33 has confirmed that he does not object to the proposal. However, this does not overcome the harm that would arise to occupants of No 33 which I have identified above and I am also mindful that ownership and occupation may change in the future.
8. I conclude that the proposal would lead to an unacceptable loss of light and an overbearing impact on No 33 and would therefore harm the living conditions of residents of that property. In this respect, the proposal would therefore be contrary to Policies D9 and D10 of the Local Development Framework Development Policies 2009 (LDF) as well as the advice of the Residential Design Guide Supplementary Planning Guidance 1996 (SPG). The proposal would also be contrary to the National Planning Policy Framework (the Framework) in respect of securing a good standard of amenity for all existing and future occupants of buildings.

Living Conditions - Bedroom

9. The proposed extension would remove a window which serves a bedroom to the rear of the host dwelling and which is referred to as 'Bedroom 2' on the submitted plans. The Council state that the proposal would result in that bedroom having no window. However, the appellants contend that a sleeping deck for that bedroom would be provided as part of the extension and that this would be served by velux rooflights.
10. Whilst the rooflights would enable a degree of light to reach the room, I consider that this would be very limited due to the layout and arrangement of the proposal. The main area of the bedroom would be set behind the extension and would only receive a limited amount of indirect light from the rooflights above the sleeping deck. The main body of the room would therefore have a dark and gloomy character where occupants would need to rely on artificial illumination. There would also be no external outlook from the main body of the room which would add to the harm to the living conditions of occupants.
11. I conclude that the layout and design of the proposal would result in inadequate provision of natural light and outlook for a bedroom of the dwelling, which would harm the living conditions of residents. In this respect, the proposal would therefore conflict with Policy D9 of the LDF as well as the advice of the SPG. The proposal would also be contrary to the Framework which

seeks to secure a good standard of amenity for future occupants of land and buildings.

Conclusion

12. For the reasons given above and taking account of all material planning considerations I conclude that the appeal should be dismissed.

David Cross

INSPECTOR