



Appeal Decision

Site visit made on 14 August 2018

by **Katie McDonald MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 17 August 2018

Appeal Ref: **APP/X4725/W/18/3202304**

1 Roger Drive, Sandal, Wakefield WF2 7NE

- 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 Swaine against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 18/00255/FUL, dated 3 February 2018, was refused by notice dated 28 March 2018.
 - The development proposed is to demolish bungalow and reconstruct new dwelling.
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Decision

1. The appeal is allowed and planning permission is granted to demolish bungalow and reconstruct new dwelling at 1 Roger Drive, Sandal, Wakefield WF2 7NE in accordance with the terms of the application, Ref 18/00255/FUL, dated 3 February 2018, 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: 01, 02 Revision E, 03 Revision C, 04 Revision C and 05 Revision E.
 - 3) No development shall take place until samples of all external facing materials and details of boundary treatments have been submitted to and approved by the local planning authority in writing. The relevant works shall be carried out in accordance with the approved details.

Procedural Matter

2. The National Planning Policy Framework (the Framework) was revised during the assessment of the appeal. Views from both main parties were sought on this matter, but no replies were received. Given that the policies in the Framework are material considerations which should be taken into account in dealing with applications (and appeals) from the day of its publication, I have had regard to it in my Decision.
3. I have removed the word 'resubmission' from the description of development as this is not an act of development.

Main Issue

4. This is the effect of the proposal upon the living conditions of the occupants of 10 South Drive, with particular regard to outlook.

Reasons

5. Located to the south west side of Roger Drive, the site currently comprises a detached hipped roof bungalow with flat roof garage to the side. The proposal is to demolish the bungalow and garage, and erect a 2 storey, 3 floor detached dwelling.
6. The dwelling would maintain the same front building line, but would occupy a larger footprint than the existing bungalow, with the proposed side elevation wall located closer to 10 South Drive. It would have a hipped roof, 2 storey gable detail to the front, a single storey projection to the rear and single storey mono-pitched detail over the garage to the front.
7. No 10 has a single storey garage located to its rear boundary. Owing to the orientation of the sites, this is the side boundary of the appeal site. The garage has a dual pitched roof and occupies the majority of the rear boundary, being sited at a higher land level than the road with a ramp up to the garage door from Roger Drive. The massing and height of this structure would mitigate the effect of the proposal's ground floor. Indeed, I note on *Photo 1* contained in the letter of objection from No 10 that the bungalow is barely visible beyond their garage.
8. To the first floor, the dwelling would be around 12.5m away from the rear elevation of No 10. This is in accordance with the Wakefield District Residential Design Guide Part 1: Guidance for Housebuilders Supplementary Planning Document (January 2018) (SPD), which sets out that a main to side aspect should maintain a distance of at least 12m.
9. Additionally, the street scene plan indicates the eaves height would be lower than both No 10 and 3 Roger Drive; and, given the proposed floor levels, the eaves height would only be around 1.8m taller than the existing bungalow. This would not be excessively tall for a 2 storey dwelling. Moreover, the proposal has a hipped roof. As a consequence, the massing of the roof is significantly reduced in comparison to that of a pitched roof with a side gable, tapering away from No 10 as the height increases from the eaves to the ridge.
10. Even though the Council set out that the depth of the dwelling is greater than other dwellings in the area by around 1-2m, I do not consider this to be disproportionate, but an efficient and effective use of the plot, creating no significantly adverse effect upon No 10. The depth would not appear out of context or incongruous, particularly as the front building line is maintained. Moreover, the 2 storey part of the house would occupy a similar depth to the existing bungalow, 3 Roger Drive and No 10's garage.
11. Overall, the effect of the proposal upon No 10 would be greater than the existing bungalow. However, the proposal would comply with locally adopted guidance on interface distances, and the hipped roof design and lower eaves height would provide additional mitigation; leading me to conclude that the effect upon outlook would not be oppressive or overbearing.
12. Consequently the proposal would have an acceptable effect upon the living conditions of No 10. I find compliance with Policy D9 of the Wakefield Local Development Framework Development Policies (April 2009) which seeks to ensure development proposals have no significant detrimental impact on the amenity of neighbouring residents. I also find compliance with the SPD, which

aims to enhance quality and value through positive place making processes. Lastly, I find compliance with the Framework, which advises that planning decisions should promote an effective use of land in meeting the need for homes and other uses, while safeguarding and improving the environment and ensuring safe and healthy living conditions.

Other Matters

13. I have had careful consideration to the letters from neighbouring residents. As each proposal is considered upon its own merits, and I have found this proposal to be acceptable, I do not find that it would create an undesirable precedent.
14. Sufficient outdoor garden space is maintained. Indeed it is similar to the existing garden, and those in the surrounding street. The third floor would utilise the attic space. This is commonplace in many new and existing dwellings and it would not be out of keeping with the area.
15. The proposal would have little effect upon privacy or overlooking due to the distances between plots and the window locations of the proposal. It would also have little effect upon daylight and sunlight levels of nearby neighbouring dwellings owing to its orientation.
16. The proposal would have an integral garage and space for off street parking. Thus the effect upon on street parking would be negligible.

Conditions

17. The Council provide no suggested conditions, although refer to some within their delegated report. Therefore, I have listed the plans to which the permission relates for certainty. I have also required that samples of the materials and details of boundary treatments are submitted in the interest of the character and appearance of the area.
18. I have not removed permitted development rights as I see no clear justification to do so given that the level of amenity space exceeds the minimum amount recommended in the SPD. I have also not required a condition regarding the design of the proposed gate to the rear garden as this would be unnecessary.
19. An obscure glazing condition to the utility room would be unnecessary given the window is at ground floor and overlooks the side wall of the neighbouring garage. Finished floor and ground levels are indicated on the plans and a condition for this would also be unnecessary.
20. A condition to include appropriate radon gas protection is detailed in the report. However, this matter would be satisfactorily covered by Building Regulations and I see no reason why the development would be unacceptable without this condition.

Conclusion

21. For the reasons set out above, I conclude that the appeal should be allowed.

Katie McDonald

INSPECTOR