The Planning Inspectorate

Appeal Decision

Site visit made on 17 June 2019

by R Bartlett PGDip URP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 18 July 2019

Appeal Ref: APP/X4725/D/19/3226471
16 Hollin Lane, Calder Grove, Wakefield, WF4 3DG

- 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 Andy Phillips against the decision of Wakefield Council.
- The application Ref 19/00010/FUL, dated 20 December 2018, was refused by notice dated 27 February 2019.
- The development proposed is a 2 storey side extension single storey rear.

Decision

1. The appeal is allowed and planning permission is granted for a 2 storey side extension single storey rear at 16 Hollin Lane, Calder Grove, Wakefield, WF4 3DG, in accordance with the terms of the application, Ref 19/00010/FUL, dated 20 December 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: 1:1250 site location plan, 1:500 block plan, 1:100 proposed side elevations and 1:100 proposed front and rear elevations and floor plans, except in respect of the ridge height shown on the proposed rear elevation.

   3) The external surfaces of the development hereby permitted shall match those of the existing dwelling.

   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 other than those expressly authorised by this permission shall be installed in the side elevation facing 22 Hollin Lane.

Preliminary Matter

2. There is a discrepancy on the proposed rear elevation plan, which shows the ridge height of the extension in line with the ridge height of the main dwelling, contrary to the proposed ridge height shown on the front and side elevation plans. I note from the Council's report that this matter had been brought to the attention of the appellant's agent and an amended plan was advised to be submitted with any appeal. Unfortunately an amended plan has not been submitted. However, given the minor nature of the error, I am satisfied that this can be dealt with by a condition to ensure that the ridge height of the

extension is set down in accordance with the details shown on the proposed front and side elevations.

Main Issue

3. The main issue is the effect of the development on the living conditions of occupants at 22 Hollin Lane with regard to outlook.

Reasons

4. The appeal property is a two-storey semi-detached house, set back from the road with a driveway to the side and a long rear garden. It is situated on the end of a row of 6, originally identical, houses (6-16 Hollin Lane). Numbers 6 and 10 Hollin Lane have similar two-storey side extensions to that proposed at No. 16, albeit I observed that at No.6 a small gap of approximately 0.5m has been retained between the side wall of the extension and the boundary.

5. I observed at the time of my site visit that the detached garage shown on the site location and block plan has been removed. No. 22 Hollin Lane, to the east of the site, is located on slightly higher ground and sits further forward than No. 16. The rear wall of No. 22 is angled to face the appeal site. However, it is separated from the appeal site by a side garden and parking area. The wider surrounding area is predominantly residential and comprises a variety of dwelling types, ages, design, scale and materials.

6. The two-storey side extension would be set slightly back from the front elevation of the main dwelling and would have a slightly lower ridge height. It would extend up to the site boundary and the part extending beyond the rear wall of the original dwelling would be single storey.

7. Given the separation distance between the appeal site and No. 22, together with the differing orientation, land levels and building line, it is my view that the development would not appear oppressive when viewed from No 22 Hollin Lane.

8. I therefore conclude on this main issue that the development would not conflict with Development Policies D9 and D10 of the Wakefield Local Development Framework (LDF), which seek to protect the amenity of neighbouring residents. I also find no conflict with the Wakefield District Residential Design Guide (RDG), which I have had regard to as a material consideration and which seeks to guide applicants/developers as to what the Council are likely to perceive as high quality design or otherwise.

Other Matters

9. The Council also refused the development on the grounds that, due to its proximity to the site boundary, it would restrict access to the rear of the property and would fail to allow for future maintenance of the side wall of the extension in the future.

10. Whilst there would be no access down the side of the extension, items such as wheelie bins, lawn mower and bicycles could easily be moved between the front and rear of the house, through the proposed garage.

11. Once built, the side elevation of the extension is unlikely to require any regular maintenance. According to the appellant's statement of case, legal rights of

access exist for maintenance purposes. I have no reason to doubt this given that most properties have buildings or structures on or up to their boundaries.

12. To my mind, whilst it may be good practice for applicants and developers to consider the practicalities of external access to rear gardens and access for future maintenance, these are not valid reasons for withholding planning permission, hence why I have not dealt with this as a main issue.

13. For these reasons, I find no conflict with Development Policies D9 and D10 of the LDF, which do not require external access to be provided to rear gardens or space to be left between buildings and site boundaries for maintenance purposes. Whilst the RDG recommends leaving a gap, for various reasons, this is guidance only and is not reinforced by any local or national planning policies. Moreover, I note that the RDG includes several images of extensions built up to boundaries, which are cited as good examples of design.

Conditions

14. In addition to the standard time limit, I have imposed a condition requiring that the development is carried out in accordance with the approved plans, with the exception of the ridge height error shown on the proposed rear elevation. This is to ensure certainty as to what has been approved. I have also imposed a condition to ensure the extension is constructed using external materials that match the host dwelling in order to ensure a satisfactory appearance.

15. To protect the privacy of residents of 22 Hollin Lane, I have imposed conditions to ensure that the first floor bedroom window is obscure glazed and its lower level is non-opening. For the same reason I have added a condition to prevent any additional windows from being inserted into the new side elevation of the extension.

Conclusion

16. Taking all matters into consideration, I conclude that the appeal should be allowed.

Rachael Bartlett

INSPECTOR