



Appeal Decision

Site visit made on 9 March 2020 by S Witherley

Decision by K Taylor BSc (Hons) PGDip MRTPI

an Inspector appointed by the Secretary of State

Decision date: 26 March 2020

Appeal Ref: APP/X4725/D/19/3242336

81 Storrs Hill Road, Ossett WF5 0DA

- 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 Rachael Kilbank against the decision of Wakefield Council.
 - The application, Ref 19/02127/FUL, dated 20 September 2019, was refused by notice dated 20 November 2019.
 - The development proposed as described on the application form is: Two storey rear extension.
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Decision

1. The appeal is dismissed.

Appeal Procedure

2. The site visit was undertaken by an Appeal Planning Officer whose recommendation is set out below and to which the Inspector has had regard before deciding the appeal.

Preliminary Matter

3. The appellant considers that the proposal consists of two elements, a ground floor extension which falls within permitted development and a first-floor extension. However, the details before me show a two-storey rear extension and this is consistent with the description of development as set out on the planning application form. I note, however, that the Council has changed this description on the decision notice to *part two storey, part single storey rear extension*, and that the appellant has used this same wording on the appeal form. The proposal has therefore been considered as a whole as per the details submitted at the time of the application and appeal. At my site visit I observed that a ground-floor extension had been constructed.

Main Issue

4. The effect of the proposal on the living conditions of the occupants of No. 79 Storrs Hill, with particular reference to outlook and overshadowing.

Reasons for the Recommendation

5. No. 81 is a two-storey end of terrace property. The proposal seeks a two-storey rear extension that would cover the majority of the rear elevation with a set back at first floor level along the shared boundary with its neighbour at No. 79. It would project out into a small, slightly raised, rear garden.
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6. As a result of the scale, bulk and two-storey form, together with the depth of the extension and its position to the boundary at first floor, it would have a significant impact in terms of outlook for the occupiers of the neighbouring property.
7. Furthermore, when viewed from the neighbouring rear windows, the proposal would result in an undue sense of enclosure and confinement to occupants whilst using the associated rooms, thus unacceptably harming their living conditions.
8. With regard to levels of overshadowing, the Residential Design Guide, Part 2, guidance for householders, Supplementary Planning Document (2018) (SPD), recommends that proposals are assessed using the 45-degree rule. Both parties agree that the ground floor element would contravene this rule, however, there is a difference of opinion regarding the level of impact that would arise as a result of the first-floor element. The appellant has submitted evidence which shows the first-floor element not encroaching on the 45-degree line from the window of the neighbouring property and the Council have not submitted any evidence that would contradict this. In view of the degree of setback, at first floor, level, I consider that overshadowing from this element of the proposal would not be significant. Nonetheless, I find that this lack of harm, in respect of overshadowing, would not overcome the harm caused as a result of loss of outlook to the occupants of the neighbouring property.
9. The appellant asserts that the proposal is north facing, however, the proposed orientation of the appeal site is broadly north north east facing. Whilst this would not give rise to a significant loss of natural sun light, I consider any loss of daylight would contribute to the sense of overbearing impact of the proposed extension thus material harm would be experienced.
10. In light of the above findings, I consider the proposal would not meet with the requirements of the SPD, which seeks development to maintain a good relationship between existing buildings and proposed extensions and avoid over-bearing impacts on adjacent properties.
11. The appellant considers that the ground floor element is permitted development. However, it is not possible to conduct an exercise as to the lawfulness of a proposed development in dealing with this appeal. The proposal must be assessed as a whole and, having regard to the details before me, it would cause significant harm to the occupants of the neighbouring property by way of loss of outlook and an overbearing presence.
12. I have been referred to a previous planning approval for a two-storey rear extension within the Wakefield area, but no details of the development have been submitted. Consequently, I cannot be certain that the circumstances are the same as the case now before me. In any event each application is considered on its own individual merits.
13. I conclude that the proposal would have an unacceptably harmful effect on the living conditions of the occupiers of No. 79 with regard to outlook. Whilst the harm caused as a result of overshadowing would have a lesser impact it would not override the harm found in regard to outlook. Accordingly, it would conflict with Policy CS10 of the Local Development Framework Core Strategy (2009) and Policies D9 and D10 of the Development Policies Local Development Framework (2009), which together seek to raise the quality of the built

environment and ensure that new development does not have a detrimental impact on the amenity of neighbouring users or residents. Furthermore, it would conflict with the requirements of the National Planning Policy Framework which seeks to secure a good standard of amenity for all existing and future occupiers of land and buildings.

Conclusion

14. For the reasons given above and having had regard to all other matters raised, it is recommended that the appeal should be dismissed.

S Witherley

APPEAL PLANNING OFFICER

Inspector's Decision

15. I have considered all the submitted evidence and the Appeal Planning Officer's report and, on that basis, agree that the appeal should be dismissed.

K Taylor

INSPECTOR