



Appeal Decision

Site visit made on 20 July 2020

by F Cullen BA(Hons) MSc DipTP MRTPI IHBC

an Inspector appointed by the Secretary of State

Decision date: 18 August 2020

Appeal Ref: APP/X4725/D/20/3250091

1 Thornleigh Ave, Wakefield WF2 7RJ

- 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 O Ahmed against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref: 20/00230/FUL, dated 24 January 2020, was refused by notice dated 27 March 2020.
 - The development proposed is two storey rear and side extensions.
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Decision

1. The appeal is dismissed.

Procedural Matters

2. The date on the application form submitted with the appeal has been redacted. Upon request, the Council confirmed that the date of the application was 24 January 2020. I have therefore used this in the banner heading above.
3. Reference is made by the appellant to the impact of the proposal on No 2 Thornleigh Avenue and No 3 Thornleigh Avenue. Having regard to the evidence before me, it is evident that the appellant is referring to No 2 Thornleigh Croft and No 3 Thornleigh Avenue and I have determined the appeal on that basis.

Main Issue

4. The main issue is the effect of the proposed development on the living conditions of the occupiers of No 2 Thornleigh Croft and No 3 Thornleigh Avenue, with regard to outlook and light.

Reasons

5. The appeal site is located on the eastern side of Thornleigh Avenue within an established residential area. The immediately surrounding area is generally characterised by evenly spaced and relatively uniform, two-storey, semi-detached houses constructed of brick with tiled roofs, although some semi-detached bungalows and two-storey, detached dwellings are also present.
6. The appeal property forms the left hand half of a pair of two-storey, semi-detached houses which is set back from the highway within a moderately sized plot. It has a single-storey, flat-roof extension at the rear and a single-storey, flat-roof garage at the side. It is enclosed at the rear and sides by a high, close-boarded, timber fence. The proposed development comprises

- the demolition of the existing garage and the construction of a two-storey extension at the side in conjunction with the construction of a first floor extension at the rear above the existing single-storey extension. The proposed extensions would be constructed of materials that match the host building.
7. The property and residential curtilage of No 2 Thornleigh Croft (No 2) lies immediately to the north of the appeal site. The majority of the proposed side extension would be in very close proximity to the shared boundary with No 2. This limited separation, combined with the proposed side extension's substantial height, length and overall massing, would cause it to be an excessively overbearing and oppressive structure when viewed from the rear windows of habitable rooms and part of the rear private amenity space of No 2. This would create an uncomfortable sense of enclosure and significantly harm the outlook of the occupiers of No 2.
 8. Furthermore, notwithstanding the orientation of the buildings, it is apparent that when applying the 45 degree rule as outlined in the Wakefield District Residential Design Guide Part 2: Guidance for Householders Supplementary Planning Document 2018 (RDG SPD), the proposal would cause substantial overshadowing and noticeably reduce the amount of light received into the rear windows of habitable rooms and part of the rear private amenity space of No 2. This would have a detrimental impact on the use and enjoyment of these rooms and space by the occupiers of No 2.
 9. The property of No 3 Thornleigh Avenue (No 3) adjoins the appeal dwelling to the south. The proposed rear extension would lie extremely close to the shared boundary with No 3. This close proximity along with the proposed rear extension's considerable height, depth and overall massing would cause it to be an unduly overbearing and oppressive structure when viewed from the rear windows of habitable rooms and rear private amenity space of No 3. This would create an uncomfortable sense of enclosure and have an adverse impact on the outlook of the occupiers of No 3.
 10. Moreover, irrespective of the orientation of the buildings and the existing single-storey rear extension at No 3, it is clear that when applying the 45 degree rule as outlined in the RDG SPD, the proposal would lead to some overshadowing and reduce the amount of light received into the rear first floor windows of habitable rooms of No 3. This would diminish the pleasure of the use of these rooms by the occupiers of No 3.
 11. Accordingly, I conclude that the proposed development would have a significantly harmful effect on the living conditions of the occupiers of No 2 Thornleigh Croft and No 3 Thornleigh Avenue, with regard to outlook and light. As such, it would conflict with Policies D9 and D10 of the Wakefield Metropolitan District Council Local Development Framework Development Policies Document (2009) which, amongst other things, seek to ensure that new development has no significant detrimental impact on the amenity of neighbouring users or residents; and extensions and alterations to dwellings respect residential amenity and do not significantly overshadow neighbouring dwellings. It would also not accord with the RDG SPD which, amongst other things, states that development should prevent excessive overshadowing of habitable rooms of neighbouring properties and avoid over-bearing impacts on adjacent properties and amenity areas. It would also not comply with

Paragraph 127 of the National Planning Policy Framework insofar as it seeks to create places with a high standard of amenity for existing and future users.

Other Matters

12. The proposed development would create additional living space and provide a long-term home for the appellant and his family. While I have given this careful consideration, I am mindful of the advice contained in National Planning Practice Guidance 'What is a material planning consideration?' that in general planning is concerned with land use in the public interest. It is also probable that the proposed development would remain long after the current personal circumstances of the appellant cease to be relevant. For these reasons, I therefore find that this factor does not outweigh the harm that would be caused contrary to the development plan policies and the RDG SPD.
13. Whilst the proposal may, as asserted by the appellant, enhance the living conditions and privacy of the occupiers of No 2 by moving pedestrian traffic and social activity away from the shared boundary, this is not sufficient to outweigh the identified harm to the occupiers of No 2.
14. I am mindful that the occupiers of the adjoining property, No 3, have not raised any concerns and are supportive of the proposal. However, this is a neutral consideration in the balance and does not offset the harm that I have found.
15. I note the Council had no objections in relation to the effect of the proposal on the character and appearance of the area, the living conditions of occupiers of the appeal property, the privacy of occupiers of neighbouring properties, parking and refuse storage. Nevertheless, the lack of harm in these regards weighs neutrally and does not amount to a consideration in support of the appeal.
16. The appellant contends that the proposal is consistent with numerous extensions approved in the locality. However, no details have been submitted in this regard. Therefore, I can only give this matter limited weight. In any event, I have determined the appeal before me on its own planning merits and found that it would cause harm.
17. The appellant makes reference to a relaxation of planning control by the Government and the possibility of further permitted development rights being introduced to allow for larger extensions to existing dwellings. This may be the case, but I have not been provided with any substantive or compelling evidence that the appeal proposal would benefit from such permitted development rights. Instead, I have considered the appeal on its own planning merits and in accordance with both local and national planning policy in place at the time of my decision.

Conclusion

18. For the reasons given above, I conclude that the appeal should be dismissed.

F Cullen

INSPECTOR