



Appeal Decision

Site visit made on 23 June 2020

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st August 2020

Appeal Ref: APP/X4725/D/19/3243992

35 Wentworth Drive, Wakefield WF4 1LH

- 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 Alan Chalkley against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref: 19/01743/FUL, dated 28 July 2019, was refused by notice dated 11 December 2019.
 - The development proposed is described as: Ground and first floor extensions.
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Decision

1. The appeal is dismissed.

Procedural matter

2. It is clear from the evidence that the scheme was amended twice during its consideration by the Council. The original version of the proposal included a first floor extension that encompassed the whole width of the front elevation of the house. The third iteration of the scheme both reduced the width of the first floor extension and incorporated a hipped roof over a single storey ground floor element. This was the version on which the Council made its final decision. I have, therefore, also determined the appeal on the basis of this version of the proposal.

Main Issue

3. The main issue in this appeal is the effect of the proposed development on the living conditions of the occupiers of the neighbouring property at 37 Wentworth Drive.

Reasons

4. The appeal building is a two storey, detached, house situated on a modern housing estate. Currently it has a projecting front element with a flat roofed dormer window within a continuation of the roof slope above the integral garage and a, lower, single storey section with a separate pent roof. The existing principal entrance to the house is in the side wall of this lower projection. Due to this front projection, the main, full height, wall of the house has the appearance of being set back approximately 3 metres from the front line of the projecting element. The proposed development would increase the wall height of both elements of the existing projection to match that of the main part of the house and create a gabled front with a new pitched roof

having a ridge line perpendicular with that of the main roof. At ground floor level, the house would be extended forward by 3 metres in line with the existing front projection and the existing flank wall. The principal entrance door would be relocated to the front elevation. A hipped roof approximately 2.6 metres to the eaves and approximately 3.9 metres high overall would be constructed over this new single story element.

5. The front wall of the neighbouring property at number 37 Wentworth Drive is set back approximately 3.5 metres from the main, two storey, front wall of the appeal building, and the two houses are separated by a distance of approximately 3.9 metres. When I visited the site, I was able to view the appeal building from within the ground floor room of number 37 that is closest to the common boundary. This is the main living room of the house. At present, although number 37 has a large front garden and there is an extensive area of public open space to the west, the existing, two storey, gable wall of the appeal building is a prominent feature from this window.
6. The appeal proposal would increase the extent of blank wall beyond number 37 by approximately 3 metres. Whilst this would only be single storey and the proposed hipped roof would reduce the massing of the extension, I saw when I visited the site that the land slopes steeply in the area with the consequence that the appeal building sits at a noticeably higher level than number 37. This difference in land levels would increase the perceived height of the proposed single storey front extension and exacerbate the effect of the resulting projection past the current line of the front wall. This would have an adverse effect on the outlook from the principal living room of the neighbouring house, which is already constrained by the existing relationship between the two dwellings, and would be harmful to the living conditions of the occupiers of number 37.
7. When I visited the site, in the mid-morning on a bright sunny day, I observed that the appeal building as it is currently configured cast a shadow across the front of number 37. Due to the relative positions and orientation of the two houses, the proposed extensions would not make this pre-existing situation any worse. The first floor elements of the proposed extension may result in some additional overshadowing of the front part of the garden of the neighbouring house but this, in itself, would not be a reason to refuse planning permission.
8. The proposal includes the creation of a small ground floor window, serving a cloakroom, in the side elevation of the appeal building and a small secondary window to a bedroom in the side elevation of the proposed first floor extension. It is suggested that these windows could be fitted with opaque glazing, which could be secured by a planning condition. Due to the relative positions of the dwellings any potential overlooking would be minimal, however, the use of opaque glazing would preclude this altogether. However, neither of the above points would overcome the adverse effect on outlook that I have found.
9. I have noted the appellant's point that the relocation of the front door of the appeal building would reduce any loss of privacy to the occupiers of number 37 that results from the current position of the door in relation to the front windows of the neighbouring house. Although this would reduce any potential for overlooking resulting from visitors to the appeal building having line of sight to the neighbouring property, the benefit arising from this is small, and would

not outweigh the other, more severe and permanent, adverse effect that the extension would have.

10. I therefore conclude that the proposed development would cause harm to the living conditions of the occupiers of number 37 Wentworth Drive. It would not comply with the relevant requirements of Policies D9 and D10 of the Wakefield Development Policies Development Plan Document 2009 which expect new development and extensions to dwelling houses to be of a high standard of design that does not adversely affect the living conditions of the occupiers of neighbouring properties. It would also be inconsistent with the requirements of the National Planning Policy Framework which seeks to ensure that new development provides a high standard of amenity for all occupiers.

Other matters

11. I have noted that the Council has not raised concerns in respect of the effects of the proposal on the living conditions of the occupiers of other neighbouring properties. I have also had regard to the fact that the Council has not raised any concerns in respect of the effect on the character and appearance of the area. From what I have read and from what I saw when I visited the site, I have no reason to find differently on these points. Nevertheless, this does not lead me to reach a different overall conclusion on the proposal.

Conclusion

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

John Dowsett

INSPECTOR