



Appeal Decision

Site Visit made on 7 May 2021

by Mr M Brooker DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 23 June 2021

Appeal Ref: APP/X4725/D/21/3269061

29 Thistle Drive, Upton, Pontefract WF9 1NQ

- 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 Dale Cooper against the decision of Wakefield Metropolitan District Council.
 - The application Ref 20/02338/FUL, dated 23 October 2020, was refused by notice dated 14 January 2021.
 - The development proposed is described as a double storey rear extension.
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Decision

1. The appeal is dismissed.

Applications for costs

2. An application for costs was made by Mr Dale Cooper against the decision of Wakefield Metropolitan District Council. This application is the subject of a separate Decision.

Main Issues

3. The main issues are the effect of the proposed development on:
 - i. the living conditions for the occupiers of the appeal property and neighbouring properties; and,
 - ii. the character and appearance of the area.

Reasons

Living Conditions

4. The Councils Decision Notice refers to effect of the size and scale of the proposed development on garden space at the appeal property. Policies D9 and D10 of the Development Policies Document that seek, amongst other matters, to protect the living conditions of occupiers of residential properties.
5. The appeal site is situated on the corner of Clover Walk and Thistle Drive, as a result the site is broadly triangular in shape, resulting in a small and tapering rear garden.
6. The proposed extension would project from the rear elevation of the dwelling into the garden of the property, with a cut in to accommodate the existing garage.

7. The appellant has presented a detailed analysis of the existing and proposed development detailing that "the footprint of the extension is 17.9m² and the resultant usable rear garden area is approximately 57m²". The council has presented a slightly different figure of "55 square metres".
8. Furthermore, paragraph 1.06.07 of the Residential Design Guide SPD (the SPD) details that "Development will not normally be approved if it results in more than half of the garden being developed, or if it causes harm to residential facilities and assets". The appellant states that "the proposal does not result in more than half of the garden being developed."
9. However, paragraph 1.06.08 of the SPD details that "For small gardens, development which results in the effective loss of an existing functional garden will not normally be permitted" and I saw at the site visit that the tapering of the garden to the rear would significantly reduce the usability of the remaining garden space to future occupiers. As such, the appeal scheme would harm the living conditions of the occupiers of the appeal property.
10. While the proposed extension would be visible from other residential properties in the area I am satisfied that as a result of the separation of the proposed extension and the neighbouring properties, the proposed extension would not have a detrimental effect on the living conditions of the occupiers of adjacent properties.
11. The appellant has referred to planning permission¹ for a rear extension to 27 Thistle Drive, located near to the appeal site. The submitted plans show and I saw at the site visit that the situation of No.27, with particular regards the shape of the rear garden, is noticeably different that at the appeal site. In addition to this, a different planning policy context was in force at the time this consent at No.27 was granted. As such, the planning permission at No.27 does not convince me as to the acceptability of the appeal scheme.
12. To conclude this main issue for the reasons given above I find that the proposed development would harm the living conditions for the occupiers of the appeal property with regards to outside space. As such the appeal scheme is contrary to Policies D9 of and D10 of the Development Policies Document.

Character and Appearance

13. At the site visit I saw, and the Council acknowledges, that the appeal scheme would have limited visibility from the street. While the proposed extension would be visible from other residential properties in the area I am satisfied that as a result of the limited visibility of the appeal scheme and the use of matching materials as show on the submitted plans, the proposed extension would not have a detrimental effect on the character and appearance of the area.
14. As such the appeal scheme is, in this respect, not contrary to Policies D9 of and D10 of the Development Policies Document in so far as it seeks to protect the character and appearance of the area.

¹ 07/03438/FUL

Other Matters

15. The appellant refers to a growing family and that they place the importance of the accommodation created by the proposed development above that of the lost garden space. Nonetheless, garden space is an important component of any residential dwelling and the matters referred to by the appellant do not outweigh the harm I have identified previously.

Conclusion

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

Mr M Brooker

INSPECTOR