



Appeal Decision

Site Visit made on 29 June 2021

by F Wilkinson BSc (Hons), MRTPI

an Inspector appointed by the Secretary of State

Decision date: 12th July 2021

Appeal Ref: APP/X4725/D/21/3272463

1A Geneva Grove, Wakefield WF1 3NL

- 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 Tariq Bashir against the decision of Wakefield Council.
 - The application Ref 20/02067/FUL, dated 24 September 2020, was refused by notice dated 15 January 2021.
 - The development proposed is a rear 2 storey extension.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effect of the proposed development on the living conditions of occupiers of 1 Geneva Grove with regard to outlook and sunlight, and also on highway safety with particular regard to parking.

Reasons

Living Conditions

3. The appeal property is a red brick 2 storey end of terrace dwelling located in a mainly residential area of similar terraced properties. The appeal property has a small paved area to the front and a yard to the rear that is enclosed by a wall with fencing above. To the rear of the property is a narrow path which provides rear access to a number of other properties on the terrace.
4. 1 Geneva Grove adjoins the appeal property. It has a 2 storey rear extension that is slightly set back from the boundary with the appeal property. There is a small single storey addition to the rear of this 2 storey extension. The rear extension has windows in its side elevation facing the appeal property at both ground and first floor. There is also a window at ground floor level and one at first floor level in the set back, main rear elevation that are very close to the boundary with the appeal property. Although no details have been presented on the internal layout of this property my observations are that at least some of the windows are likely to serve habitable rooms.
5. The proposed rear extension would be built on the boundary with this adjoining property. Given its depth, height and proximity, the proposed rear extension would create a dominant feature that would have a significantly overbearing effect on the outlook from the windows in the side facing elevation of 1 Geneva Grove. The same effect on outlook would be experienced from the rear facing windows in the set back, main rear elevation. These windows would have rear extensions in very close proximity on both sides resulting in an undue sense of

enclosure and oppressive outlook. I find therefore that the proposed rear extension would result in significant harm to the living conditions of occupiers of no. 1 due to the effect on outlook.

6. I visited the appeal property mid afternoon and observed that the side windows and those in the set back, main rear elevation of no. 1 were experiencing some shading. The proposed development, due to the extension's depth, height and proximity, would markedly compound the situation, increasing levels of overshadowing. The proposed development would therefore result in a significant loss of sunlight to the windows in its side elevation and those in its set back, main rear elevation. As such the proposed development would result in significant harm to the living conditions of occupiers of no. 1 due to the loss of sunlight that would result.
7. I acknowledge that the occupiers of 1 Geneva Grove are members of the appellant's family who have not objected to the proposed development. However, this lack of objection does not outweigh the harm that I have identified, which would endure for future occupiers should planning permission be granted.
8. I find therefore that the proposed rear extension would result in significant harm to the living conditions of occupiers of 1 Geneva Grove due to the effect on outlook and sunlight. As such, the proposed development would be contrary to Policies D9 and D10 of the City of Wakefield Metropolitan District Council Local Development Framework Development Policies Document 2009 (the DPD), which require that proposals do not have a significant detrimental impact on the amenity of neighbouring residents and, in this connection, would not significantly overshadow neighbouring dwellings, amongst other matters.

Highway Safety

9. The appeal property does not have any off street parking provision. The appellant has stated that he owns a garage opposite the appeal property and rents a garage nearby. However, I note the point made by the Council that no parking provision or hardstanding was included in the application site boundary or indicated on the land identified as being owned by the appellant.
10. Although there is a further row of garages to the rear of properties on Marizon Grove, it appears that most of the properties in the vicinity do not have off-street parking provision. Parking on Geneva Grove, Marizon Grove and Berne Grove and in several of the nearby streets is restricted to permit holders only.
11. I observed the parking situation on Geneva Grove and the area in the vicinity of the appeal property during my site visit on a weekday afternoon. Whilst this was only a snapshot in time, there is no evidence to suggest that it was not representative of the general parking situation in the area. Although there were a number of cars parked on Geneva Grove and in the nearby streets of Marizon Grove and Berne Grove there remained some unused on-street parking capacity. Whilst there is demand for on-street parking within the vicinity of the appeal property there is no substantive evidence before me to demonstrate that existing on-street parking causes significant harm to highway safety.
12. The appeal property is located within a reasonable walking distance of the town centre including the bus station which would give access to public transport options. Occupiers of the appeal property would have transport modes

available to them other than the private car and would not necessarily have to rely on a car for day to day requirements.

13. Consequently, I conclude that, even if there were to be some increase in traffic arising from the proposed development, this would not exacerbate on-street parking to the extent that there would be an unacceptable impact on highway safety. I therefore find no conflict with Policy D14 of the DPD which requires proposals to ensure the safe and free flow of traffic and provide a level of parking provision appropriate to the proposal and its location, amongst other matters.

Conclusion

14. The proposed development would significantly harm the living conditions of occupiers of 1 Geneva Grove with regard to outlook and sunlight and would conflict with Policies D9 and D10 of the DPD in this respect.
15. I have found that the proposed development would not cause an unacceptable impact on highway safety due to a lack of parking provision. This is a neutral factor and does not outweigh the harm that I have identified to the living conditions of occupiers of 1 Geneva Grove.
16. The proposed development would conflict with the development plan taken as a whole. There are no material considerations that indicate the decision should be made other than in accordance with the development plan. Therefore, for the reasons given, I conclude that the appeal should not succeed.

F Wilkinson

INSPECTOR