
Appeal Decision

Site visit made on 26 July 2021

by C Coyne BA (Hons) DipTP DipERM MRTPI

an Inspector appointed by the Secretary of State

Decision date: 3rd September 2021

Appeal Ref: APP/X4725/W/21/3274051

77 Queens Drive, Ossett, Wakefield WF5 0NE

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a grant of planning permission subject to conditions.
- The appeal is made by Mr Paul Teasdale against the decision of City of Wakefield Metropolitan District Council.
- The application Ref 20/00635/FUL, dated 15 March 2020, was approved on 31 March 2021 and planning permission was granted subject to conditions.
- The development permitted is single storey link study extension, alterations, and extensions to former garage/store to form garden room and associated decking (retrospective).
- The conditions in dispute are:
 - No 1 which states that: For the avoidance of doubt the permission relates to the amended infill link extension as proposed on plan reference 002/01/2020/REV D, the retrospective external alterations to the former garage-store and wrap around decked area; and
 - No 2 which states that: Within three months from the date of this decision, the following works shall be fully implemented.
 - a) The remodelling of the infill link extension shall be completed in accordance with the approved plan reference 002/01/2020/REV D.
 - b) The rear external walls of the infill extension attached to the former garage/store located along the boundary with 75 Queens Drive shall be render finished in a dark/red brick colour in accordance with the details submitted on plan reference 002/01/2020/REV D.
 - c) All surface water treatment as a result of the development (including gutters/associated rainwater goods, fixtures and fittings) shall be installed and managed so that surface water run off discharges within the application property. The approved works shall thereafter be retained and maintained.
- The reason given for the conditions are: In the interests of the amenity of the occupiers of neighbouring properties in accordance with policies D9 and D10 of the Local Development Framework Development Policies Document and the advice contained within the Residential Design Guidance; and In the interests of the amenity of the occupiers of the host property and the neighbouring properties in accordance with policies D9 and D10 of the Local Development Framework Development Policies Document and the advice contained within the Residential Design Guidance.

Decision

1. The appeal is allowed and the planning permission Ref 20/00635/FUL for single storey link study extension, alterations, and extensions to former garage/store to form garden room and associated decking (retrospective) at 77 Queens Drive, Ossett, Wakefield WF5 0NE granted on 31 March 2021 by City of Wakefield Metropolitan District Council, is varied by deleting conditions 1 and 2 and substituting for them the following conditions:

- 1) For the avoidance of doubt the permission relates to the amended infill link extension as proposed on plan reference 002/01/2020 REV B, the retrospective external alterations to the former garage-store and wrap around decked area.
- 2) Within three months from the date of this decision, the following works shall be fully implemented.
 - a) The rear external walls of the infill extension attached to the former garage/store located along the boundary with 75 Queens Drive shall be finished in accordance with the details submitted on plan reference 002/01/2020 REV B.
 - b) All surface water treatment as a result of the development (including gutters/associated rainwater goods, fixtures and fittings) shall be installed and managed so that surface water run off discharges within the application property.The approved works shall thereafter be retained and maintained.

Procedural Matter

2. On 20 July 2021 a revised version of the National Planning Policy Framework (the Framework) was published. As a result, given the nature of the appeal and the main issue, on this occasion I consider that the publication of the revised Framework does not directly alter the assessment of this appeal.

Main Issue

3. The main issue is whether the disputed condition is reasonable and necessary in the interests of the character and appearance of the area and the living conditions of the occupiers of no. 75 Queens Drive having regard to matters of outlook and privacy.

Reasons

4. The appeal property is a bungalow with a sizeable ground floor rear extension. This extension is linked to what was formerly a detached outbuilding to the rear of the property. On my visit, I saw that what is described on the submitted plans as the proposed link study extension was being used as a kitchen/dining room with the main part of the former outbuilding being used as an office. I also observed that the existing rear extension, proposal, and former outbuilding were clad in dark green/black timber on their elevations which faced the garden area of no. 77.
5. The main point of dispute between the parties is the style and design of the roof of the proposed link extension with the Council favouring a flat roof with a lower profile and without rooflights as per submitted drawing 002/01/2020 REV D with the appellant stating that the ridged roof with rooflights to match that of the former outbuilding being their preferred option as per submitted drawing no. 002/01/2020 REV B.
6. The Council are concerned that the existing arrangement as per submitted drawing no. 002/01/2020 REV B causes harm to the living conditions of the occupiers of the appeal property as well as those of neighbouring occupiers. In their officer report the Council state that this concern arises from the fact that the proposal: projects to the rear along the shared boundary with no. 75; is higher than the boundary; has a rooflight facing no. 75; and that its side elevation facing no. 75 is bare breeze block brickwork which fails to

complement the style or quality of the exterior material finish to the existing extension to no. 77. The report goes on to say that the resultant harm caused to the neighbouring occupiers can be mitigated via the imposition of a suitably worded condition, i.e. the disputed condition, which includes a requirement to re-model the pitched roof of the link extension to a flat one with a lower profile which would not have any rooflights and have a dark red rendered exterior material finish.

7. Both parties agree that criterion c) of condition 2 is reasonable and necessary and based on the evidence before me I concur with this assessment. I also note that no objections have been submitted by the occupiers of neighbouring properties.
8. With regards to criterion a) of condition no. 2, while I note the Council's concerns there is a sizeable gap between nos. 75 and 77. There is also a detached single storey garage to the rear of no. 77 which sits in this gap and projects along the shared boundary to a similar distance that the proposal does. These facts combined with the presence of an existing outbuilding with a pitched roof matching that of the proposal already being within the back garden of the host property and on the boundary, means that I fail to see how the proposal leads to an unacceptable loss of outlook for the neighbouring occupiers or indeed why the suggested remodelling of the roof would be required to mitigate this. Similarly, given the height of the rooflight facing no. 75 it would also not be likely that this would lead to a loss of privacy for the occupiers of no. 75 either.
9. With regard to criterion b) of condition no. 2 while I note that the Council would prefer the proposal to have a dark red rendered external material finish, I consider that it would be more appropriate for the proposal to have a finish that matches the existing extension to the host property, i.e. a mixture of dark green/black cedar boarding and cedar panelling. In any event given that the detached garage to the rear of no. 75 mostly obscures the views of the side of the proposal from the rear of no. 75, I consider that it would not have an unacceptable impact on their outlook. For these reasons, and the fact that the proposal is not readily fully visible from the highway, I also consider that it would not have an adverse visual impact on the street scene subject to the imposition of a suitably worded condition.
10. I therefore conclude that the disputed condition as originally imposed is neither reasonable nor necessary in the interests of the character and appearance of the area and the living conditions of the occupiers of no. 75 Queens Drive having regard to matters of outlook and privacy.

Other Matter

11. I note that the Council's officer report refers to an ongoing enforcement case relating to the appeal property. However, this is not a matter for me to consider as part of this section 78 appeal.

Conclusion

12. For the reasons set out above I conclude that the appeal should be allowed.

C Coyne INSPECTOR