



Appeal Decision

Site visit made on 22 November 2021

by Mark Ollerenshaw BSc (Hons) MTPI MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 December 2021

Appeal Ref: APP/X4725/W/21/3276012

10 Grosvenor Avenue, Pontefract WF8 4QU

- 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 David Kerridge against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 21/01135/FUL, dated 23 April 2021, was refused by notice dated 27 May 2021.
 - The development proposed is described on the application form as 'Proposed two storey side and part two storey, part single storey rear extension. Also the removal of the old garage from the rear garden'.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. In all there are three sets of plans before me showing different schemes. Amended plans were submitted late in the appeal process, at final comments stage where no new information should be submitted (as a consequence of other parties not having the opportunity to comment on it). Whilst I appreciate that the appellant advanced them in an attempt to overcome the Council's objection to the scheme, having regard to the Wheatcroft principles¹, I cannot fairly have regard to them.
3. Of the two further sets of plans before me, one shows that the proposed rear extension would project 3.5m,² compared to 4.1m for the earlier iteration³. From the Council's officer report, it appears that they based their decision on the latter. However, the plans showing a 3.5m projection were submitted at appeal, and from the evidence before me all parties have had the opportunity to comment on them. I have therefore assessed the scheme based on the implications of either version of the plans, as the principal difference between the two is a marginal reduction in extension depth. In the light of the foregoing that is an approach which is fair to all parties, notwithstanding that an appeal should not be used to evolve a scheme.
4. On 20 July 2021, a revised version of the National Planning Policy Framework (the Framework) was published. However, it does not materially alter the national policy approach in respect of the issues raised in this appeal.

¹ Wheatcroft (Bernard) Ltd v Secretary of State for the Environment (1982) JLP 37.

² Plans EXP01 dated July 2020, EXP02 Rev A dated 21 May 2021, GAP01 Rev B and GAP03 Rev B dated 28 May 2021 and GAP02 dated 28 April 2021.

³ Those plans referenced in the Council's decision notice.

Main Issues

5. The main issues are the effect of the development proposed on the living conditions of the neighbouring occupiers at Nos 8 and 12 Grosvenor Avenue, with particular regard to outlook, and on the character and appearance of the host property and the surrounding area.

Reasons

Living Conditions

6. The appeal property is a two storey semi-detached house which stands in a linear row of properties on the western side of Grosvenor Avenue in a predominantly residential area. In common with other properties on Grosvenor Avenue, the appeal property is set back from the road with a front garden, driveway and a larger rear garden. A detached garage is located within the rear garden adjacent to the boundary with No 8. A long stable building associated with Pontefract Racecourse runs along the rear boundaries of the appeal site and other properties on this side of the road.
7. The attached neighbouring property, No 12, includes a single storey rear extension which is adjacent to the boundary with the site. The neighbour's extension contains a window and glazed doors to the rear elevation, with blank walls to the side elevations. On the other side of the site, there is the width of two driveways between the appeal property and No 8 with a wall and fence in between. No 8 has an L-shaped conservatory which extends across the width of the rear elevation and is glazed to the rear elevation and the side facing the site.
8. The proposed development would comprise the construction of a two storey extension, which would project from the side elevation and wrap around and extend from the rear elevation, and a single storey rear extension adjacent to the boundary with No 12. The two storey side extension would be set back from the original front elevation and have a hipped roof which would be set slightly below the existing ridgeline. It would be finished externally in brickwork and render under a tiled roof to match the existing building. I note that the appeal scheme is a revision of a previously approved planning application⁴. The amended scheme increases the depth and width of the rear part of the two storey extension.
9. However, under both schemes before me, the two storey rear extension would project a significant distance from the rear elevation and extend close to the boundary with No 8. It would rise substantially above the dividing boundary fence, appearing as an imposing feature when viewed from the rear of the neighbour's property and particularly from the conservatory windows. This would reduce the outlook of neighbouring occupiers in a way which would be atypical of prevailing conditions, resulting in an unacceptable overbearing impact and undue sense of enclosure. Whilst the appellant considers that the conservatory is not a habitable room, it is not unreasonable to conclude that the occupiers may spend a considerable amount of time in this room.
10. Furthermore, due to its height and proximity, the proposed extension would also significantly diminish the outlook from that part of the neighbour's garden adjacent to the site, No 8, resulting in it having an unacceptably overbearing

⁴ Council ref 20/01427/FUL

impact on its occupiers from that perspective. I note the difference in ground levels between the appeal site and that of No 8. However, I do not consider that the slightly lower ground level of the appeal site would materially reduce the harm to outlook. Whether the projection would be 4.1m or 3.5m, in both instances there would be significant harm arising to the outlook of the occupiers of No 8. Whilst in the latter instance that would be more limited, it would nevertheless still occur.

11. In reaching this view, I have taken into account the extant planning permission for a two storey side and rear extension. However, compared to the approved scheme the current proposal would extend further from the rear and have a greater mass and bulk which I consider would be harmful to the outlook of the occupiers of No 8. I note that the existing rear garage would be removed. However, due to its substantial scale and massing, the proposed extension would have a significantly greater effect in terms of the outlook from No 8. Therefore, the removal of the garage would not adequately mitigate the harm I have identified.
12. Given that the proposed rear extension would drop to single storey adjacent to the boundary with No 12 and would not project a significant distance beyond this neighbour's rear extension, I find that there would not be an unacceptable impact on the outlook from the window and glazed doors in the neighbour's extension. Views from the neighbour's first floor bedroom window to the two storey rear extension would be oblique. Consequently, the outlook from this neighbour's bedroom window would not be unduly compromised.
13. The submitted plans indicate that the proposed rear extension would not encroach on the 45-degree line from the habitable windows of the neighbouring properties, which indicates that the proposal would not adversely affect the neighbours in terms of light. That is consistent with my site visit observations. Consequently, given the separation from No 8 and as No 12 is located to the south of No 10, the proposal would not have any significantly harmful effect on the amount of light serving Nos 8 and 12.
14. The appellant has referred to the recent planning permission at No 12 for a two storey side extension⁵, which, as I understand it, would not extend beyond the rear elevation of the property and so is not directly comparable to the appeal proposal. The appellant refers to various similar developments in the area. However, I do not have the substantive details of these cases in terms of plans, relationship with neighbouring properties or their planning history to enable me to draw any comparisons with the appeal proposal. Each inevitably has a surrounding context specific to it rather than to the appeal site. Accordingly, I have determined the appeal on its own merits and do not find that the presence of other developments in the area outweighs or alters my findings above.
15. For the above reasons, I consider that the proposal would not result in significant harm to the occupiers of No 12 Grosvenor Avenue in terms of outlook. However, due to its height, length and proximity, I conclude that the development proposed would harm the living conditions of the neighbouring occupiers of No 8 Grosvenor Avenue having regard to its effect on their outlook. It would therefore be contrary to Policies D9 and D10 of the Wakefield Development Policies Local Development Framework (2009, DPD), which seek

⁵ Council ref 21/01812/FUL

to protect the amenity of neighbouring residents. The proposal would also be contrary to paragraph 130 of the Framework, where it requires development to provide a high standard of amenity for existing and future users.

Character and Appearance

16. Grosvenor Avenue is predominantly characterised by two storey semi-detached dwellings of similar design featuring hipped roofs. Though many of the properties along the road have been extended, there is a strong sense of uniformity largely due to the broadly even spaces between the properties, consistent building lines, their hipped roofs, bay windows and commonality of external materials comprising brickwork walls and tiled roofs. Together with the planting in the front gardens, verges and street trees, this positively contributes to a harmonious and verdant character to the area which, in my view, it is reasonable to accord appropriate protection to.
17. The proposal would be a substantial addition to the property and would extend to within one metre of the side boundary with No 8, and in this latter respect would not accord with the Wakefield Residential Design Guide Part 2 Supplementary Planning Document 2018 (SPD). However, the side extension would be set back from the original front elevation and the two storey rear extension would not extend across the full width of the rear elevation. Both would be set below the existing ridge height of the property. Consequently, I find that the proposed extension would not dominate the original building.
18. The rear part of the extension would not be highly visible from Grosvenor Avenue since it would be positioned behind the side extension and largely concealed by No 8. The previous planning permission has established the principle of a two storey side and rear extension to the property, albeit of a smaller scale, and there are examples of other two storey side and rear extensions on Grosvenor Avenue and the surrounding area generally, including those referred to by the appellant. In this context, the proposed development would not be a discordant feature or set an undesirable precedent.
19. Lack of conformity with the provisions of SPDs is not the same as conflict with policies of a development plan. Indeed, the SPD in this case is presented as guidance. With this in mind, and for the above reasons, the appeal scheme would not cause unacceptable harm to the character and appearance of the host property or the surrounding area. As such, it would comply with Policy CS10 of the Wakefield Local Development Framework Core Strategy (2009) and Policies D9 and D10 of the DPD. Collectively, these policies seek to ensure that development protects and enhances local character and distinctiveness. The proposal would also not be contrary to Section 12 of the Framework which encourages development which is sympathetic to local character.

Other Matters

20. I note that neighbouring occupiers raise concerns in relation to a range of other matters, including the effect on privacy, parking provision and maintenance. Even were I to reach the view that the proposal would be acceptable in all these other respects, that would effectively be neutral in my assessment of the scheme.

21. The appellant indicates concerns with the way the Council has handled the application. However, that is a procedural matter which does not impact on my assessment of the planning merits of the case.
22. I accept that the proposal would benefit the appellant by providing additional accommodation and freeing up some garden space following removal of the existing garage. I have also taken into consideration the appellant's personal circumstances. Whilst I note those points, and am sympathetic in respect of the latter, they do not outweigh the harm that I have identified above would result.

Conclusion

23. Although I have found that the development proposed is acceptable in relation to its effect on the character and appearance of the host property and the surrounding area, I have also found that the proposal would cause unacceptable harm to the living conditions of the neighbouring occupiers of No 8. For these reasons, having considered the development plan as a whole, the approach in the Framework, and all other relevant material considerations, the appeal should be dismissed.

Mark Ollerenshaw

INSPECTOR