



Appeal Decision

Site visit made on 15 March 2022

by Katherine Robbie BA (Hons) DipTP MTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 30 March 2022

Appeal Ref: APP/X4725/D/21/3289986

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 Wakefield Metropolitan District Council.
 - The application Ref 21/01916/FUL, dated 10 August 2021, was refused by notice dated 23 December 2021.
 - The development proposed is 'two storey side and part two storey part single storey rear extension. Scope of works to include the removal of the old garage from the rear garden and completion of converting the front into off street parking.'
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Decision

1. The appeal is dismissed.

Procedural Matters

2. As part of the appeal submission, the appellant has put forward a revised set of drawings which sets the rear projection of the two-storey extension away from the boundary of 8 Grosvenor Avenue by approximately 0.95 metres. However, the appeal process should not be used to evolve a scheme to overcome the Local Planning Authority's (LPA) reasons for refusal and instead a fresh planning application should usually be made¹. I have therefore proceeded to determine the appeal on the basis of the plans as originally submitted.

Main Issues

3. The main issues are the effect of the proposed development on:
 - The living conditions of the occupiers of 8 Grosvenor Avenue with particular regard to outlook; and
 - The adequacy of parking provision, with regard to highway and pedestrian safety and the character of the area.

Reasons

Living Conditions

4. The appeal property is a semi-detached house on Grosvenor Avenue. The proposal is for the construction of a two-storey side and rear extension and single storey rear extension. The two-storey element would project back from the existing rear elevation by approximately 3.3 metres. The side elevation of the proposal would be approximately 0.2m from the boundary with No 8 and

¹ Annexe M of the *Procedural Guide Planning Appeals – England*.

the ground floor side elevation at the rear would be set back from the boundary of No 8 by the use of an 'undercroft' feature, where the proposed first floor overhangs the narrower proposed ground floor by approximately 0.8m. No 8 has an L-shaped conservatory which extends across the width of the rear elevation and is glazed on the rear and side facing the appeal property.

5. The current proposal is a revision of two alternative schemes considered at appeal last year² which had rearwards projections of either 4.1m and 3.5m. In all other respects, they were very similar to the scheme before me now.
6. Whilst the proposal would not project beyond the end of the conservatory and would not block sunlight into this room, it would dominate the outlook from the side window of it and would appear overbearing from within the garden of No 8. The fence between the appeal property and No 8 would not markedly alter that outlook. I also have had regard to the small change in ground level between the appeal property and No 8 which would also not materially reduce the harm to the outlook of the occupiers of No 8.
7. Given the proximity of the proposal to the boundary with No 8 and the overall height and orientation of the proposal, it would dominate the outlook from both the side window of the conservatory and the garden of that property. As with the conclusions reached on the previous appeal, the proposal would appear as an imposing feature on the boundary with No 8. The reduction in projection, when compared to the previous appeal, would not demonstrably reduce that impact and therefore the proposal would have an unacceptable effect on the outlook of the occupiers of No 8.
8. The appellant considers that part of the conservatory at No 8 is not a habitable room as it functions as a utility area. However, it is a single space, which contains lounge style furniture and a range of cupboards. I therefore agree with the previous inspector who concluded it would not be unreasonable to assume that the occupiers spend a considerable amount of time using this space as a habitable room.
9. I acknowledge that the conservatory has not been fitted with obscured glazing which the appellant says is the Council's usual requirement. The appellant has also stated that the blind on the side window of the conservatory is often drawn. Notwithstanding this, how the current occupiers choose to use this room may not be how future occupiers choose to use the space. Furthermore, I have not been made aware of the particular circumstances which led to its construction. I am not persuaded by these arguments that the proposal would not adversely affect the living conditions of the occupiers of No 8.
10. The appellant has stated that the current proposal is only slightly larger than an extant permission³ for a two-storey extension at the appeal property. However, due to the relationship with No 8, I consider the proposal before me would nevertheless cause harm in the manner set out above.
11. For the reasons given, the proposal would have an unacceptably imposing and overbearing effect on the living conditions of the occupiers of No 8. The proposal would therefore be contrary to Policies D9 and D10 of the Wakefield Local Development Framework Development Policies Document (2009) (DPD)

² APP/X4725/W/21/3276012

³ LPA ref no: 20/01427/FUL

which, amongst other things, seek to ensure that development is of high quality and does not adversely affect the amenity of neighbouring users. It would also be contrary to the aims of paragraph 130(f) of the National Planning Policy Framework (the 'Framework') which requires development to provide a high standard of amenity for existing and future users.

Adequacy of Parking Provision

12. Grosvenor Road is subject to parking restrictions by way of a permit parking scheme. There are a number of parking bays within the highway. The provision of these spaces does not significantly reduce the carriageway width. One such space is located immediately to the front of the appeal property.
13. The Council's Street Design Guide (2012) (SDG) sets out the expected minimum numbers of car parking spaces to be provided for residential development. For dwellings of 4 bedrooms or more there is a requirement for a minimum of 3 car parking spaces to be provided. The plan submitted with the appeal shows 2 car parking spaces to the front of the appeal property and a third on-street. The appellant states that he has registered 2 cars for occasional on-street parking.
14. In order to provide parking within the site, the front wall of the property has been removed, and the garden would subsequently be paved. I accept that there are other examples of this approach in the avenue and surrounding streets, but these are not commonplace. More typically, parking is provided in single-width driveways to the side of houses, which is currently available at the appeal property. In an attempt to provide additional off-street parking the property frontage would become dominated by parking provision at odds with the prevailing character of the street.
15. The appellant has indicated that the proposal would provide additional living accommodation for his family and has no requirement for the parking of more than 2 cars. Nevertheless, this may change over time or subsequent occupiers may have different parking needs commensurate with a 4-bed property. The extended property would be capable of occupation as such and would therefore be expected to lead to some additional demand for parking over time.
16. The Council is concerned that the increased demand for on-street parking would be detrimental to highway and pedestrian safety and the character of the area. Grosvenor Avenue and the surrounding streets are subject to permit parking restrictions due to demand for parking in the area and where the amount of on-street parking is limited. The arrangement of the proposed parking which falls short of the SDG requirements would be reliant upon on-street spaces being available to access. I have no evidence to indicate that on-street spaces are allocated, and I cannot therefore be certain that the 2 off-street spaces could be provided and accessed, let alone the 3 required by the SDG. The Council has not clearly explained how this would cause harm to the character of the area, but I am satisfied that the proposal fails to adequately demonstrate that the required number of spaces can be provided within the appeal site.
17. My attention has been drawn to a planning permission at No 12 for a bedroom extension and also to the extant permission at the appeal property. The latter having been approved on the basis of the parking layout before me. I do not have the full details of either of these matters before me. However, it would

appear that the extant permission shows a garage incorporated into the proposal with an up-and-over garage door opposed to the scheme before me which shows a narrower door on the front elevation. I must determine the appeal on its own merits and consider that the proposal would not provide parking at a level appropriate to the proposed development.

18. The proposal fails to provide adequate parking provision which would be detrimental to both highway and pedestrian safety and the character of the area. It would therefore not comply with the overall aims of DPD Policies D9, D10 and D14 and the SDG which, amongst other things, seek to ensure that proposals accommodate access for vehicles, provide appropriate space around dwellings and an appropriate level of parking provision. The proposal would also fail to achieve the aims of the Framework in relation to well-designed places.

Other Matters

19. I understand the appellant's desire to extend the property to accommodate his family and run his business. However, such matters should be balanced with other material considerations and does not outweigh the harm that I have identified.
20. The appellant has argued that the proposal would not cause loss of sunlight to the rear of No 8. However, this was not a reason for refusal. I have considered this matter to be neutral and has not affected my conclusion on the main issues.
21. The appellant has referred to other properties in the locality that have been extended to the side or rear. I do not have the details of these before me or their status with regards to planning permission. In any event, I must consider the appeal on its own merits and the presence of these does not overcome the harm that I have otherwise found.
22. I acknowledge that representations regarding the design of the proposal, precedent, the consistency of the plans and the practicality of the proposal have been made. I have taken these into consideration in coming to my decision. These do not affect my findings on the main issues.

Conclusion

23. For the reasons set out above, having had regard to the development plan as a whole and all relevant material considerations, I conclude that the appeal should be dismissed.

Katherine Robbie

INSPECTOR