



Appeal Decision

Site visit made on 8 March 2022

by C Megginson

an Inspector appointed by the Secretary of State

Decision date: 6th April 2022

Appeal Ref: APP/X4725/D/21/3289348
269 Park Lodge Lane, Wakefield WF1 4HZ

- 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 Afzaal Khan against the decision of Wakefield Metropolitan District Council.
 - The application Ref 21/01594/FUL, dated 12 June 2021, was refused by notice dated 12 October 2021.
 - The development proposed is a two-storey side and rear extension.
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Decision

1. The appeal is allowed, and planning permission is granted for a two-storey side and rear extension at 269 Park Lodge Lane, Wakefield, WF1 4HZ in accordance with the terms of the application, Ref 21/01594/FUL, dated 12 June 2021, subject to the following conditions:
 - 1) The development hereby permitted shall be maintained and carried out in accordance with the following approved plans:

269 Park Lodge Lane, Wakefield Block Plan and Site Location Plan Scale 1:500

269 Park Lodge Lane Existing and Proposed Side Elevations Scale 1:100

269 Park Lodge Lane Existing and Proposed Front and Rear Elevations and Floorplans Scale 1:100

269 Park Lodge Lane Proposed Layouts Scale 1:100
 - 2) Before their use in the two-storey side extension hereby permitted, details or samples of the materials to be used in the construction of the external surfaces, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details or samples, and thereafter maintained as such.
 - 3) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order) no windows or any other openings shall be created in the elevation of the extension facing 267 Park Lodge Lane hereby permitted.

Procedural Matters

2. The adjoining neighbouring property to the appeal site is 267 Park Lodge Lane. The Council have incorrectly addressed this property as 247 Windhill

Road in the decision notice. However, it is clear in their report and reasoning which property they are referring to and I will consider the appeal based on the neighbouring property as 267 Park Lodge Lane.

3. At the time of my site visit, the rear extension, including both the single and two storey elements was complete. My decision therefore reflects that the appeal proposal is part retrospective, albeit nevertheless for simplicity refers to the entire scheme as 'the development proposed'.

Main Issue

4. The main issue is the effect of the proposed development upon the living conditions of the occupiers of the neighbouring residential property at 267 Park Lodge Lane, with particular regard to outlook and light.

Reasons

5. No 269 is a semi-detached property on a large corner plot, with a dense band of woodland to the rear, bordering the rear garden.
6. The appeal proposal includes a two-storey side extension with an integral garage and two storey rear extension, reducing to single storey next to the shared boundary with No 267.
7. The boundary with No 267 features a 1.8m high boundary fence, which is typical of that commonly found here and therefore likely to remain. The single storey extension extends 4.5m along the boundary and the two-storey element is set well in from the boundary. The garden of No 267 is a good length and features a large shed and a very large mature tree overhanging the bottom of the garden. The appeal proposal when viewed in the context of the wider garden, would not result in an oppressive or overbearing effect, nor unduly affect outlook or daylight from the ground floor window or garden.
8. The orientation of the two semi-detached properties to the rear is to the north-east. Disregarding any extensions, the form of the buildings themselves already block out sunlight to the rear for a large proportion of the day. I note that the Council states that the single storey extension breaks the 45-degree line from the centre of the neighbours ground floor window (a commonly used metric to gauge effects on natural light). I accept that there would be some reduction in sunlight to this ground floor rear window and part of the garden. However, looking at the trackpath of sunlight, due to the orientation of the buildings and the mature vegetation to the rear of the gardens, this reduction would be very limited.
9. I therefore conclude that the proposed development would not unacceptably affect the living conditions of the occupiers of the neighbouring residential property at 267 Park Lodge Lane, with particular regard to outlook and light. The proposal therefore accords with the relevant provisions of Policies D9 and D10 of the Local Development Framework Development Policies Document (2009) and the National Planning Policy Framework (the Framework) which seek to ensure a high standard of amenity for existing and future users.

Other Matter

10. I note that concern has been raised regarding the potential for the scheme to result in additional traffic. However, the scheme is for the extension of an existing residential unit, rather than the creation of a new one. Accordingly, there is nothing to indicate that the proposal would materially increase traffic, nor that existing access arrangements are anything other than suitable. I also note that the Council raise no objection in this regard.

Conditions

11. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance and have accordingly amended the wording of conditions without altering their fundamental aims.
12. A plans condition is necessary and reasonable in the interests of certainty. Whilst the rear extension is complete, the plans show both the rear and side extensions.
13. As the development has commenced it is not necessary to impose the standard time limit condition in this case.
14. With regard to a matching materials condition, whilst there is a noticeably contrasting brick used on the completed rear two storey and single storey extension, there are limited public views of the rear of the house and this element does not give rise to harm. I note that the proposed two-storey side extension would overlap the side of the rear extension and with that in mind I am content with a materials condition relating to the two-storey side extension only. I consider that the submission and agreement of details or samples is necessary and reasonable in the interests of character and appearance.
15. The Council have suggested the inclusion of a condition preventing the creation of windows or any other openings in the eastern elevation of the extension, in the interests of the amenity of the occupiers of the neighbouring property. The orientation of the property makes it unclear which elevation is being referred to. Although this elevation is already complete, because of its proximity to No 267 and potential for overlooking thereof that may result from insensitively placed openings, notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order), it is necessary and justified to prevent future windows or openings. For the sake of clarity and enforceability I have amended this condition to specifically refer to the elevation facing No 267 Park Lodge Lane.

Conclusion

16. For the reasons given above, having considered the development plan as a whole and all other relevant matters, I conclude that the appeal should be allowed subject to the conditions above.

C. Megginson

INSPECTOR