



Appeal Decision

Site visit made on 11 October 2022

by David Cross BA(Hons) PgDip(Dist) TechIOA MRTPI

an Inspector appointed by the Secretary of State

Decision date: 21st October 2022

Appeal Ref: APP/X4725/D/22/3301712

1 Maryfield Gardens, Ossett WF5 0TW

- 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 Bob Reynolds against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 22/00427/FUL, dated 26 February 2022, was refused by notice dated 27 April 2022.
 - The development proposed is first floor extension to side.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The description of the development provided on the planning application form has been replaced by an amended version on the decision notice and in subsequent appeal documents. I consider that subsequent description to accurately represent the proposal and I have therefore used it within this decision.
3. The Council requested that I view the appeal site from the neighbouring properties of 4 and 6 Richmond Garth. I was unable to gain access to No 4, but I was able to access the rear of No 6 and an accessway which were sufficient to enable me to view the relationship with the appeal proposal.

Main Issue

4. The main issue is the effect of the proposal on the living conditions of nearby residents with regards to outlook and light.

Reasons

5. The appeal site consists of a detached dwelling located adjacent to dwellings on Richmond Garth. The extant building has a close-knit relationship with Nos 4 and 6, and both of these neighbouring properties are particularly sensitive to changes at the appeal site due to the limited separation distances. This sensitivity is further increased as Nos 4 & 6 are set lower than the appeal site due to the sloping topography of the area, which increases the dominance of the host building in views from these properties.
6. In respect of the outlook from No 6, the main rear elevation of the dwelling is separated from the appeal site by a rear garden of a very limited size. The

appeal dwelling is prominent in views from the rear of No 6, both in respect of the existing first floor gable wall and the hipped roof of the garage. The proposal would bring the massing of the building at first floor level closer to the rear elevation and garden of No 6, exacerbating what is an already sensitive relationship between these properties. Even when viewed against the backdrop of the existing dwelling, the increase in scale and massing would be apparent to residents of No 6, and would result in an unacceptably oppressive relationship with that property.

7. The proposal would also be apparent in the outlook from No 4. However, given the relative arrangement of the sites and the separation distance between them, I do not consider that the proposal would have an overbearing relationship with No 4.
8. In respect of loss of light, the appellant has provided a sun path analysis which shows that Nos 4 and 6 are affected by overshadowing from the existing dwelling. It is contended that the proposal would lead to minimal additional overshadowing. However, due to the arrangement of the appeal site in relation to Nos 4 and 6, the neighbouring properties would be particularly sensitive to any further overshadowing resulting from the increase in the scale of the appeal dwelling. As is indicated in the sun path analysis, this would particularly be the case in the afternoon and early evening. Whilst such an increase in overshadowing may only be for a limited time of day, it would not be appropriate to exacerbate the impact on loss of light over and above that which already occurs.
9. The proposed extension would have a hipped roof rather than a gable, and would also result in a reduction in the ridge height of an extent of the main roof of the existing dwelling. However, these considerations would not be sufficient to mitigate the harm I have identified.
10. I conclude that, due to its scale and location, the proposal would lead to significant harm to the living conditions of residents of No 6 in respect of outlook, and residents of Nos 4 and 6 in respect of loss of light. The proposal would therefore be contrary to policies D9 and D10 of the Council's Development Policies Document (2009) which seek to ensure that development does not have a significant detrimental impact on the amenity of neighbours. The proposal would also conflict with the National Planning Policy Framework which requires a high standard of amenity for existing and future users of property. The proposal would also be contrary to the advice of the Residential Design Guide Supplementary Planning Document 2018 in respect of the consideration on the effect on neighbours.
11. For the reasons given above, I conclude that the appeal should be dismissed.

David Cross

INSPECTOR