



Appeal Decision

Site visit made on 21 November 2022

by H Jones BA (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 5th December 2022

Appeal Ref: APP/X4725/D/22/3307433

39-41 Low Lane, Middlestown, Wakefield, West Yorkshire WF4 4PS

- 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 Richard Hargreaves against the decision of Wakefield Council.
 - The application Ref 22/01220/FUL, dated 1 June 2022, was refused by notice dated 8 August 2022.
 - The development proposed is a two storey rear extension.
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Decision

1. The appeal is dismissed.

Background and Main Issue

2. There is no dispute between the main parties that the proposal would not result in inappropriate development in the Green Belt, and I have no reason to disagree.
3. Therefore, the main issue is:
 - The effects of the development upon the living conditions of the occupiers of 43 Low Lane.

Reasons

4. 39-41 Low Lane is a stone-built cottage located within a semi-rural area. Residential properties closest to the appeal site predominantly comprise of other cottages and terraced properties. No 39-41 is served by a large rear garden which is subject to a level change and largely enclosed by fencing. It adjoins No 43 to one side which is a similarly designed property, albeit No 43 is set within a smaller plot. To the rear of No 43 there is an existing single storey outrigger with a yard space beside also enclosed by fencing. Adjacent to these features are footpaths which provide access to the terrace to the rear, Low Lane and the A642. At the meeting point of No 39-41 and No 43, the roof steps up in height so that the eaves and ridge level of the host property are higher than that of No 43.
5. The extension would, for the most part, be 2 storey, be of far greater height than any of the existing fencing whilst its eaves and ridge height would match that of the existing house and would therefore be higher than those of No 43. Although the extension proposed would be set in from the common boundary with No 43, it would, nevertheless, be located quite close to it. In the proposal, a large, predominantly 2 storey mass would be created in close proximity to No 43.

6. Outlook from the existing ground floor windows within No 43 and from the yard space adjacent will, I accept, be compromised due to them being set at a low level and flanked by the yard fencing. Levels of light which these rooms and the yard receive will also already be affected by this fencing and the higher fencing nearby at the host property. The size of the yard space will limit its function to an extent too.
7. Nevertheless, given the considerably greater scale of the extension, the proposal would cause additional effects. From within the yard space and the opposing side elevation window of No 43, the extension would create an imposing presence. Whilst the extent of shadowing that would be caused to the yard and adjacent windows within No 43 would vary depending upon the time of day and year, given the size of the extension, its positioning close-by and to the south-east of No 43, additional overshadowing effects would occur at times.
8. Owing to its south-westerly orientation, the first floor rear elevation window within No 43, closest to the appeal site, and which is clear glazed, will presently receive significant sunlight. Generous outlook will also be available from this window given the height at which it is set and the absence of two storey projections close-by to it. Unlike the ground floor windows and yard space beneath, this window is not affected by an existing sense of enclosure.
9. Due to its size and proximity the proposed extension would create a harmful dominating effect that would unacceptably reduce the levels of outlook presently available from within this first floor window. It has not been shown to me that the extension would not cause this window to be in shade nor that it would not occur for considerable periods.
10. A single storey extension to the rear of the host property may have been granted via the prior approval procedure, however, given the far greater height of the proposal in this case I do not find that the effects of the two proposals would be very similar. The effects of a single storey extension would, in terms of both outlook and light, be lessened in comparison to this proposal and more akin to the effects presently caused by the mixture of enclosures at the rear of No 39-41 and No 43.
11. It may be the case that a 2 storey extension could be undertaken utilising permitted development rights. However, in the submitted alternative proposal the extension would be set farther from the common boundary which would serve to lessen the effects of that proposal in comparison to the one in this case. Furthermore, I must consider this case on its own merits, and I have identified harm.
12. The occupiers of No 43 may not have raised objection to the development, however, this does not in itself render the scheme acceptable, and I must have regard to the appropriateness of the design of the extension in the long term and having regard to future occupiers as well.
13. For the reasons given, I have identified harmful effects upon the occupiers of No 43 caused by a loss of outlook and light. I find that the greater harm would be caused to the first floor room window. Consequently, the development would be contrary to Policy CS10 of the Wakefield Metropolitan District Council Local Development Framework Core Strategy, 2009 and Policies D9 and D10 of the Wakefield Metropolitan District Council Local Development Framework

Development Policies Document, 2009. In summary, and amongst other things, those policies seek to ensure high quality development which is of a scale appropriate to their location and which results in no significant detrimental effects upon the amenity of neighbouring residents or prospective users. Furthermore, the proposal would also conflict with advice contained within the National Planning Policy Framework which, at paragraph 130, states that development should ensure a high standard of amenity for existing and future occupiers.

Conclusion

14. For the above reasons, having taken account of the development plan as a whole and all other relevant material considerations, the appeal is dismissed.

H Jones

INSPECTOR