



Appeal Decision

Site visit made on 19 September 2023

by J Smith MRTPI

an Inspector appointed by the Secretary of State

Decision date: 03 November 2023

Appeal Ref: APP/X4725/W/23/3318707

5 Hillcroft Close, Darrington, Pontefract WF8 3BD

- 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 Mrs Sally Hutchinson against the decision of Wakefield Metropolitan District Council.
 - The application Ref 21/02089/FUL, dated 15 August 2022, was refused by notice dated 13 January 2023.
 - The development proposed is use of domestic annexe as an independent dwelling.
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Decision

1. The appeal is dismissed.

Applications for Costs

2. The appellant has made a costs decision against Wakefield Metropolitan District Council. This application is the subject of a separate decision.

Main Issue

3. The main issue is the effect of the proposed development on the living conditions of the occupiers of the host dwelling and whether the proposed development would provide suitable living conditions for the future occupiers.

Reasons

Living conditions of the host dwelling

4. The development proposed is the use of a domestic annexe as a separate dwelling. This building already has planning permission to be constructed and used as an annexe to the host dwelling. Therefore, the issue before me is the severance of the relationship between the annexe and the host dwelling.
5. The host site would be sub-divided to create a separate driveway, however both the host dwelling and the proposal would utilise the existing access point on Hill Croft Close. The position and configuration of the annexe building is such that windows which serve two bedrooms are situated in the elevation facing directly onto the full rear private amenity space of the host dwelling.
6. I recognise that this arrangement exists due to the layout of the annexe which benefits from planning permission. As this unit is currently ancillary to 5 Hill Croft Close, it is likely that the building would be used by occupants with a relationship to the host dwelling where overlooking is not a harmful effect. This is due to the dependence of the annexe to the host dwelling. However, the proposed severance of the annexe would change the fundamental relationship between the two buildings into two separate family units. It is this change in

- relationship which would lead to harm as a result of mutual overlooking and a reduction in privacy arising from the creation of two separated family units.
7. The appellant has suggested that an increase in height of the boundary fence between the sub-divided sites would reduce the effect of overlooking from the bedroom windows in the proposed dwelling. A timber fence does exist between the two sites along this boundary and sits below the windows in the annexe building. The appellant has also suggested that the windows within these rooms could be obscurely glazed. It is considered that these methods could be conditioned by a pre-occupation condition.
 8. However, I consider that this would introduce a level of harm with regards to outlook from the proposed dwelling and would therefore cause an unacceptable effect on the residential amenity of the future occupiers. This is due to the proximity of the fence to the windows of the annexe which would severely restrict outlook from these windows. A secondary window is present in bedroom one of the annexe. From my inspection within the room, this secondary window looks onto the roof of a neighbouring dwelling. Whilst this would somewhat alleviate the harm on outlook for the proposed dwelling, I do not find that this is a suitable outlook on its own merits. This would also not reduce the effects associated with a loss of outlook on bedroom two.
 9. I therefore conclude that the proposed development would cause harm to the living conditions of the occupiers of the host dwelling and would not provide suitable living conditions for the future occupiers of the proposed dwelling. It would not comply with Policy D9 of the Wakefield Metropolitan District Framework 2009 which seeks to ensure that, amongst other things, development should have no detrimental impact on the amenity of neighbouring users or residents and existing or prospective users.

Conclusion

10. The proposed severance of the annexe from the host dwelling conflicts with the development plan in respect of its effects on the living conditions of the occupiers of both the host dwelling and the proposed new dwelling. These are important matters and, as such, the proposal would conflict with the development plan taken as a whole, notwithstanding that it may comply with other policies in the plan. There are no material considerations to indicate a decision otherwise than in accordance with the development plan and for this reason, I conclude that the appeal should be dismissed.

J Smith MRTPI

INSPECTOR