



Appeal Decision

Site visit made on 5 March 2024

by R Jones BA(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State

Decision date: 09 April 2024

Appeal Ref: APP/X4725/D/23/3335569

4 Industrial Street, Wakefield WF1 3NG

- 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 Mohammed Khalid against the decision of Wakefield Council.
 - The application Ref 23/01472/FUL, dated 31 July 2023, was refused by notice dated 11 October 2023.
 - The development proposed is extension to dwelling at rear first floor above existing extension.
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Decision

1. The appeal is allowed and planning permission is granted for extension to dwelling at rear first floor above existing extension at 4 Industrial Street, Wakefield WF1 3NG in accordance with the terms of the application, 23/01472/FUL, dated 31 July 2023, and the plan submitted with it, subject to the following conditions:
 - 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
 - 2) The development hereby permitted shall be carried out in accordance with the following approved plan: Existing and Proposed Layout Plans and Elevations.
 - 3) The materials to be used in the construction of the external surfaces of the development hereby permitted shall match those used in the existing dwelling.

Preliminary Matter

2. The Wakefield Local Plan 2036, Volume 1 Development Strategy, Strategic and Local Policies was adopted in January 2024. Policies LP56, LP57 and LP65 of that plan replace Policy CS10 of the Core Strategy (2009) and Policies D9, D10 and D19 of the Development Policies Document (2009) referred to in the Council's decision notice. These are general design, character and environmental quality policies and, as there has been no substantive change, it is not necessary to seek the views of the main parties on them. I have, however, assessed the proposals against the policies of the new Wakefield Local Plan 2036.

Main Issues

3. The main issues in this case are the effect of the first floor extension on the character and appearance of the host dwelling and wider area, and on the living conditions of the neighbours at No.6 Industrial Street, with regards overshadowing and outlook.

Reasons

Character and appearance

4. No.4 Industrial Street (No.4) is a two-storey mid-terrace dwelling situated to the north of Industrial Street. To the rear, No.4 benefits from a single-storey extension with shallow pitched roof, which projects the width of the existing rear elevation. It is proposed to extend over this at first floor, to provide a larger bedroom and bathroom.
5. The extension has been designed with a flat roof which would be the same height as the eaves of the existing half gable, projecting around 2.48m from the principal rear elevation of No.4. Although I accept that the flat roof is not a particular characteristic roof form of the wider area, the modest projection at first floor means the extension would not appear disproportionate or unsympathetic to its host, despite the flat roof.
6. I observed on my site visit that the rear elevation of No.4 (and much of the wider terrace) is visible in the streetscene from Pindersfield Road and from the ginnel that runs to the rear of the terrace. Whilst there is some rhythm to the gables and roofline, there is limited cohesiveness to the character and appearance of the rear elevation because dwellings within the terrace have been altered and extended at various times, notably at ground floor, and outbuildings added. The massing of the proposed first floor extension, and its flat roof, would clearly be visible within the streetscene, but in the context I have described, would not appear discordant such that it would cause significant harm to the character or appearance of the wider area.
7. Consequently, the proposed first floor extension would not conflict with policies LP56 or LP57 of the Local Plan 2036, Volume 1 Development Strategy, Strategic and Local Policies (2024) (LP) which together require new development, including extensions, to respect the character and overall quality of the locality, and original dwelling, in terms of design, scale and massing. Nor would there be a conflict with the Council's *Residential Design Guide, Part 2: Guidance for Householders Supplementary Planning Document (2018)* (RDG) which recognises that, in general, there will be more flexibility in assessing rear extensions that would have minimal impact from the street. LP Policy LP65 relates to non-designated heritage assets, which I do not find relevant in this case.

Living conditions

8. On the rear elevation of No.4's immediate neighbour, at No.6 Industrial Street (No.6), a first floor window (to a bedroom) is situated close to the party wall. Although not shown on the application drawing, it is likely that the proposed extension would overlap a 45 degree line when drawn from the midpoint of No.6's window. The guidance at paragraph 1.07.06 of the RDG is that the '45 degree rule' highlights extensions that are likely to overshadow neighbouring properties. I accept that there is likely to be some overshadowing on No.6's

window in this case, but that overshadowing would be limited by the modest depth (only around 2.48m) of the proposed first floor extension.

9. Further, although the window is on an elevation set back slightly from its own gable, its outlook to the north and west would be largely unrestricted and the proposed extension to No.4 would not appear overbearing from it.
10. From my site visit there appeared to be a small external amenity area to the rear of No.6, between a single storey projection to that dwelling, its outbuilding, and the existing first floor extension of No.4. It is likely that these areas, particularly during the morning, are already overshadowed by No.4's ground floor and the boundary fencing. I am not therefore persuaded, nor do I have any evidence before me, that the proposed first floor extension would have a material or detrimental impact on overshadowing of No.6's external amenity areas.
11. For these reasons, whilst I accept that there would be some overshadowing of No.6's rear window, a good outlook would be retained, and therefore on balance there would be no substantive harm to the living conditions of these neighbours. Consequently, the proposed first floor extension would not conflict with LP Policy LP56 or LP57 which require new development (including extensions) to have no significant detrimental impact on the amenity of neighbouring residents, or cause significant overshadowing of neighbouring properties, or be overbearing.

Conditions

12. In addition to the standard timeframe of 3years for implementation of the planning permission, in the interests of certainty, I have imposed a condition requiring the development to be built in accordance with the approved drawing. In the interests of the quality of the area, and to ensure it assimilate well with its host, I have imposed a condition requiring the external materials of the proposed extension to match the existing dwelling.

Conclusion

13. For the reasons given above, I conclude that the appeal should be allowed.

R. Jones

INSPECTOR