



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/23/3330431

10 Spring Lane, New Crofton, Wakefield, WF4 1JS

- 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 Booth against the decision of Wakefield Council.
 - The application 23/01342/FUL, dated 12 July 2023, was refused by notice dated 5 September 2023.
 - The development proposed is proposed 1st floor extension to the rear of the dwelling.
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Decision

1. The appeal is dismissed.

Preliminary Matters

2. The Wakefield Local Plan 2036, Volume 1 Development Strategy, Strategic and Local Policies was adopted in January 2024. Policies SP23, LP56 and LP57 of that plan replace Policy CS10 of the Core Strategy (2009) and Policies D9 and D10 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.
3. I have been provided with an amended proposed floor plans, elevations and site block plan drawing (ref. A(20) 003 Rev D) which shows two additional high level windows on the south elevation and annotates that these, as well as an existing window on the south elevation, and a new window on the east elevation, would be obscure glazed. I note that this is not the drawing on which the Council made its decision (referenced in the Council's decision notice as Rev B) and that Rev D is dated 26 September 2023 on the drawing, so post-dates the Council's decision. Mindful not to potentially prejudice the interests of interested parties, who will not have been consulted on this amended drawing, I have made my decision on the basis of the original drawing, so Rev B.

Main Issue

4. The main issue in this case is the effect of the proposed first floor extension on the living conditions of the neighbours at No.5 Greentop, with regards outlook.

Reasons

5. No.10 Spring Lane (No.10) is a two-storey detached dwelling located on the south-east side of Spring Lane. To its side, on the common boundary with No.8 Spring Lane (No.8), No.10 is single storey with a shallow pitched roof. No.10 benefits from a single storey flat roof extension that projects the full width of both the two-storey and single-storey rear of the dwelling.
6. It is proposed to extend at first floor over part of this single storey extension, with a gable projecting around 4.2m from the original rear elevation.
7. The southern boundary of No.10 is (in part) shared with No.5 Greentop (No.5), a two-storey dwelling orientated north-east, south-west fronting Greentop. This southern boundary is stepped, such that the garden of No.5 extends partly to the rear of the existing flat roof extension of No.10. The garden length of No.5 is modest and I observed on my site visit that there is already a close relationship between these two properties with the existing single storey extension to No.10 (which has relatively high eaves) prominent from the rear of No.5.
8. The proposed first-floor extension has been designed so that it would be set in from the edge of the flat roof extension and therefore off the shared boundary with No.5. However, whilst the gable design (with the roof sloping away from the boundary) reduces the massing of the extension, it would nonetheless extend the bulk of No.10 much closer to the rear of No.5. Whilst the extension would be viewed at an oblique angle from the principal windows of the two-storey part of No.5, it would be directly opposite those windows on the single storey part of the dwelling. The proposed first floor extension would appear intrusive and overbearing from these windows, but also from all of the rear garden of No.5, such that it would cause significant harm to the living conditions of its occupiers.
9. Consequently, the proposal would conflict with Policies SP23, LP56 and LP57 of Wakefield Local Plan 2036, Volume 1 Development Strategy, Strategic and Local Policies (2024) which together require new development (including extensions) to have no significant detrimental impact on the amenity of neighbouring residents or be overbearing. It would further conflict with the guidance in the Council's *Residential Design Guide, Part 2: Guidance for Householders Supplementary Planning Document (2018)* that rear extensions should not have an unacceptably impact on neighbours. Finally, it would conflict with paragraph 135 of the National Planning Policy Framework which requires development to create places with a high standard of amenity for existing and future users.

Other Matters

10. I have had careful regard to the personal circumstances of the appellant and appreciate that the provision of additional first floor bedroom and bathroom accommodation would be beneficial to the family. However, on balance, I unfortunately do not find the appellant's personal circumstances to be sufficient in this case to outweigh the significant harm I have found to the living conditions of the neighbours at No.5 Greentop.
11. My attention has also been drawn to other recent rear extensions in Crofton, considered by the appellant to be similar to the one before me. I have not,

however, been provided with sufficient details of these to establish whether they are similar, or indeed add weight to the appellant's case.

Conclusion

12. For the reasons given above, I conclude that the appeal should be dismissed.

R Jones

INSPECTOR