



Appeal Decision

Site visit made on 25 February 2025

by **Sarah Colebourne MA, MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 12 March 2025

Appeal Ref: APP/X4725/D/24/3357316

35 Parkside Lane, Stanley, Wakefield, WF3 4NG

- The appeal is made under section 78 of the Town and Country Planning Act 1990 (as amended) against a refusal to grant planning permission.
 - The appeal is made by Mr Rassouli against the decision of Wakefield Council
 - The application Ref is 21/02345/FUL.
 - The development proposed is described as 'conservatory to rear and garage extension'.
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Decision

1. The appeal is allowed, and planning permission is granted for a single storey side/rear extension and detached garage extension at 35 Parkside Lane, Stanley, Wakefield, WF3 4NG in accordance with the application Ref 21/02345/FUL, subject to the following conditions: -
 - 1) The development hereby permitted shall be carried out in accordance with the following approved plans: 764/1 A, 764/4 A, 764/6 A, 764/7.
 - 2) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) (or any Order revoking or re-enacting that Order), no doors, windows or any openings shall be created in the south-eastern side elevation of the rear extension hereby approved.

Main Issue

2. The main issue in this case is the effect of the proposed development on the living conditions of the neighbouring occupier/s at no 37 Parkside Lane in regard to light and those of the occupiers of the appeal dwelling in regard to outlook.

Reasons

3. The appeal site is located within a residential area and is sited at the end of Parkside Lane, a no through road. It was previously a large, detached dwelling which was granted permission in 2021 for its subdivision and extension to form two semi-detached dwellings (nos 35 and 37). Both dwellings, together with the neighbouring dwelling at no 33, are approached from a private drive and are set back behind long front gardens so are not seen clearly from the street.
4. The appeal site occupies a large, angled plot with gardens to the front, rear and side. The proposed development has already been constructed and comprises a swimming pool and gym in a large rear and side extension and a separate

extension to the side of a detached garage. The garage extension brings the garage closer to the dwelling but allows pedestrian access between the two. The Council has not raised any objection to the garage extension and from what I have seen I have no reason to disagree with that and have focussed my decision on the impact of the side/rear extension.

5. The pool extension has a large, irregular footprint and extends along the whole length of the side boundary with no 37 into the rear corner of the site and along approximately half of the rear boundary, forming a small enclosed decked area between the extension and the rear of the existing dwelling. It has three sets of bifold windows, two of which face the rear of the dwelling with the third facing sideways towards the garden.
6. A rear kitchen window in the dwelling looks directly towards the extension in close proximity and it can be seen clearly from the adjacent decking. Although there is a pitched roof form over part of the side extension, that has a low ridge height and is not clearly seen from the appeal site. The remainder of the extension has a low, flat roof form and consequently is not unduly overbearing when seen from the rear of the appeal site. Furthermore, as the site is large and part of the outlook encompasses the generous decked area to the rear of the garage and a planted boundary that provides some screening from the dwellings to the rear, the outlook is not unduly dominated by the extension. Whilst the external materials of white render do not match the red brick of the dwelling, from the dwelling and the garden the extension is perceived as a garden room rather than an extension and as such, those materials are appropriate and the light colour results in a less dominating appearance than a matching brick would. I am satisfied that, by reason of its low height and suitable materials, the proposal does not result in an unacceptable outlook when seen from the appeal site.
7. The adjoining dwelling at no 37 has a rear extension that abuts the proposed extension for some of its length along the side boundary of the rear garden. Although the plans for the existing extension at no 37 show a window in the rear elevation, it has not been constructed with that window and there are no windows in that property facing the rear garden. Instead, the principal windows in no 37 faces towards the side area of garden that is paved and forms the main sitting out. The proposal is not clearly seen from there.
8. As the proposal is sited to the northeast of the rear garden of no 37 and is low in height, it only causes a very minor loss of sunlight to that area of garden during the very early part of the morning at most. It does not result in any overshadowing or loss of light to habitable room windows or to the principal sitting out area.
9. The Council has not objected to the effect of the proposal on the living conditions of any other neighbouring occupiers and from what I have seen it does not have a harmful impact on those due to the distance and level of screening from those properties.
10. I conclude then that the proposal does not result in significant harm to the living conditions of the occupiers of the appeal dwelling or the neighbouring occupiers at no 37. The proposal provides an acceptable level of amenity for those occupiers and accords with the Council's development plan policies SP23, LP56 and LP57 in the Wakefield District Local Plan (2024) which together seek to ensure that

development is appropriate to its location in terms of scale and density and does not have a significant detrimental impact on the amenity of residents.

Conditions

11. A condition specifying the approved plans is necessary for reasons of certainty. The Council has requested a condition to prevent any future openings that would result in a loss of privacy to the neighbouring occupiers. That condition is necessary given the length of the pool extension along the shared side boundary between the two properties and to prevent any overlooking of the rear garden. I have amended the Council's suggested wording from the south-western elevation specified for the south-eastern elevation because that is the elevation that abuts the side boundary. As the proposal has been completed externally and all other matters are acceptable, no other conditions are necessary.

Conclusion

12. For the reasons given above, I conclude that the proposal accords with the development plan and there are no material considerations that would outweigh that. The appeal should be allowed.

Sarah Colebourne

INSPECTOR