The Planning Inspectorate

Appeal Decision

Site visit made on 31 January 2017

by Mrs Zoë Hill BA(Hons) Dip Bldg Cons(RICS) MRTPI IHBC

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 March 2017

Appeal Ref: APP/X4725/W/16/3161992
25 Broomhall Avenue, Wakefield, West Yorkshire WF1 2AZ

- 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 Brian & Mrs Pat Abram against the decision of City of Wakefield Metropolitan District Council.
- The application Ref: 16/01921/FUL, dated 4 August 2016, was refused by notice dated 4 October 2016.
- The development proposed is for residential development (1 No. Dwelling).

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed development on the character and appearance of the surrounding area, having particular regard to the fall-back position formed by an extant planning permission.

Preliminary Matters

3. The appellant makes a number of suggestions in the appeal scheme, including reinstatement of the link building shown in the scheme with planning permission. However, that is not the development which the Council considered and is not the scheme before me.

Application for Costs

4. An application for costs was made by Mr and Mrs Abram against the Council. This application will be the subject of a separate Decision.

Reasons

5. The appeal property is a substantial detached dwelling. It is situated in an established residential area. This location has a verdant feel as a result of mature planting and reasonably large gardens. It is also characterised by a sense of relative spaciousness. I noted that many of the properties have sizeable additions and extensions, some creating a rather rambling appearance. I saw that there has been some subdivision of plots creating further sizeable dwellings such as that in a backland position at 23 Broomhall Avenue. There are also a number of driveways which lead to areas remote from public view. Nonetheless, the key characteristic of the area is large dwellings in spacious plots.

6. The appeal site has an extant planning permission for a residential annexe building of the same main dimensions and footprint as the appeal proposal but linked to the main dwelling by a narrow corridor section of harmonious design. Whilst the appellants suggest removal of that link would not materially alter the appearance of the proposed development I disagree. The absence of the link would result in a small stand-alone dwelling which, rather than appearing as a subservient part of the existing building, would appear as an isolated unit squeezed in alongside the existing house.

7. That appearance would be exacerbated by the proposed driveway to serve what would become a separate residential unit. This would, in effect, take up the whole of the frontage for this plot and would therefore be wholly out of keeping with the spacious character of the dwellings in this locality.

8. I have noted the appellants' suggestions that the scheme could be amended to omit fences/parking and/or that conditions could be imposed were I to allow the appeal to remove permitted development rights, for instance for fencing and/or the driveway. However, this would only come into effect on implementation of the permission. There is no mechanism before me to control the exercise of permitted development rights of the existing dwelling before that point, thus this approach would not achieve the suggested control.

9. The appellants consider that the extant attached annexe development could subsequently utilise permitted development rights for adding a driveway or erecting fencing to separate the annexe from the house. However, such works could, with the character of the usage, result in a the creation of a separate planning unit for the annexe as a separate dwelling which would constitute a material change of use that requires a separate planning permission. As such, and on the evidence before me, I am not satisfied that this is a credible fall-back position and thus it is not a matter to which I attach any significant weight.

10. I consider that the appeal proposal for a small detached dwelling would conflict with Policy D9 of the Wakefield Local Development Framework Development Policies (April 2009) which seeks development that, amongst other things, respects the character of the locality in terms of design, scale, massing, density and layout. Moreover the supporting text to the policy explains that infilling of open spaces and large gardens with new development will be opposed if it would cause significant impact on residential amenity or the character of the area. It seems to me the detached small dwelling would be out of character with the area.

11. There is no dispute that this location, in principle, is suited to residential development or that the scheme would increase the density of development but those matters are not the key consideration. The scheme would provide for an additional dwelling but this is not so significant to the housing stock as to outweigh the character and appearance matters. There would be some, albeit modest economic benefits from the scheme, but this would be little different to the extant scheme. The scheme would increase the density of development on the site, but this is not sufficient to outweigh the harm I have identified. Indeed the nearby development at No. 23 indicates that the Council supports intensified development of plots where this would not harm the character and appearance of the area.

12. Having taken all these matters into account I find that the proposed development fails to accord with the development plan. It also fails to accord with the National Planning Framework which makes it clear that good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people. I do not consider that this would be the case for this proposal and consider that the proposal fails to deliver sustainable development.

Other Matters

13. I appreciate that the site is not prone to flooding, there would be no harm to ecological interests, and it is in an accessible location but, again, these do not overcome the harm I have identified.

14. I have attached weight to the extant planning permission. However, it represents a development that would be acceptable unlike the appeal scheme. As such, it does not alter my conclusions on the appeal proposal.

15. I have noted the neighbour's concerns regarding the proximity of the proposed building to their bedroom window and in respect of shading of their garden. However, in this respect I agree that the fall-back position created by the extant annex permission is such that I cannot afford this matter significant weight.

16. In addition I share the neighbour's concern that the proposed driveway position would be likely to result in pressure to remove and/or damage to the health of the highway tree situated in very close proximity to the proposed access. The loss of this tree would be detrimental to the tree-lined character of the streetscene. However, this is not a matter to which I have attached weight in arriving at my decision given that I have found materially significant harm in respect of other character and appearance matters. Had circumstances been different, I would have sought the main parties views in respect of the access position but little would be gained by doing this given the fundamental harm identified.

Conclusions

17. I have not identified harm to residential amenity as raised by the neighbour given the extant planning permission. However, the harm I have identified to the streetscene and character and appearance of the surrounding area is such that I shall dismiss this appeal.

Zoë H R Hill

Inspector