
Appeal Decision

Site visit made on 21 March 2017

by Andrew McCormack BSc (Hons) MRTPI

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

Decision date: 18 May 2017

Appeal Ref: APP/X4725/W/16/3165756

358 Denby Dale Road, Durkar, Wakefield WF4 3BB

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal in part to grant planning permission.
 - The appeal is made by Mr J Banks against the decision of City of Wakefield Metropolitan District Council.
 - The application Ref 16/01607/FUL, dated 30 June 2016, was refused in part on 4 November 2016.
 - The development proposed is change of use from C3 dwelling house to B1a) offices and commercial land for the display of garden sheds (sui generis).
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Decision

1. The appeal is dismissed.

Procedural Matters and Background

2. The Council issued a split decision in relation to the original planning application Ref: 16/01607/FUL, dated 30 June 2016. The proposal was approved in part, subject to conditions, on 4 November 2016 with regard to the change of use of the buildings from C3 to B1. However, part of the proposal relating to the change of use from residential curtilage to commercial use for the display of garden sheds was refused.
 3. The reason for refusal stated that the Council considered that the siting of sheds to the front of the site in a prominent location would be significantly detrimental to the character and appearance of the host buildings and the streetscene and would therefore be contrary to local policy D9 of the Wakefield Development Policies Document (the DPD). As a result, the appellant made an appeal against the Council's decision relating to the refused part of the scheme.
 4. Planning Practice Guidance states that it may be appropriate for a local planning authority to use conditions to grant planning permission for only part of a development or, in other words, to split a decision. Appeals such as this are to be dealt with under Section 78 of the Town and Country Planning Act 1990 (as amended) (the Act). The appellant has indicated that this appeal relates solely to the refused part of the planning application. However, the whole proposal is before me and I am not restricted to dealing with only the elements which have concerned the local planning authority. This is because Section 79(1)(b) of the Act allows that, on appeal under Section 78, the Secretary of State [or an appointed Inspector] "may deal with the application as if it had been made to him in the first instance". Accordingly, I have
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assessed the merits of the proposed development as a whole and have determined this appeal on that basis.

5. For clarity, in dismissing this appeal, the original planning permission Ref: 16/01607/FUL dated 4 November 2016 remains valid with approval for the change of use of buildings from C3 to B1 use subject to the conditions imposed and refusal of the change of use of the residential curtilage to commercial land.

Main Issue

6. Having had regard to the above, the main issue is the effect of the proposed development on the character and appearance of the surrounding area.

Reasons

7. The appeal site is located on Denby Dale Road which is a main route into and out of Wakefield. The surrounding area is characterised by a mix of residential and commercial uses. The buildings on the appeal site have the appearance of residential dwellings and are situated at the end of a row of semi-detached and detached dwellings along the northern side of Denby Dale Road.
8. Policy D9 of the DPD sets out a number of criteria against which the Council assesses development proposals. These criteria should be addressed by proposals in order for the Council to consider them acceptable. Amongst other things, the criteria state that development should respect the character of the locality and have no significant detrimental impact on the amenity of neighbouring users or residents.
9. From all I have seen and read, the proposed change of use of the residential dwellings on the appeal site from C3 to B1 use would be acceptable as it would not result in any discernible change to the appearance of the buildings. As such, the limited visual impact would not result in any material adverse effect on the character and appearance of the area. Furthermore, the change of use in relation to that part of the proposal would have no substantive impact on the residential amenity of nearby residents which could not be overcome by planning conditions. Consequently, I see no reason to disagree with the Council's assessment of the proposal with regard to these matters.
10. In relation to the change of use of the residential curtilage of the site to commercial use to display garden sheds, whilst there is a proliferation of commercial use in the locality, the residential element makes a significant contribution to the mixed character of the area. Notwithstanding this, there is a clear visual distinction between residential and commercial uses. I find that the extent and nature of displaying the garden sheds as proposed would result in an overly commercial appearance to a part of the area which would otherwise retain its residential character and appearance.
11. Furthermore, the proposed location for the display of the sheds is at the point where the visual distinction between the residential and commercial elements of the area is at its greatest. As a result, I find that the display of the garden sheds would significantly erode this visual distinction and result in an awkward juxtaposition of residential and commercial uses. It would therefore have a significant adverse effect on the visual amenity of the area.
12. The appellant argues that the relevant properties have no architectural merit or protection by way of a listing or designation as a heritage asset. Whilst I

appreciate this, I find that the collective effect of these and the other nearby domestic properties provides a significant residential element to the mixed character and appearance of the area. The garden sheds are constructed in timber and are intended to be used in a domestic setting. As such, the appellant argues that there would be no detrimental impact on the character and appearance of the buildings which have a domestic appearance in the area.

13. In my view, individual sheds in a domestic context may not have any particularly detrimental effect. Nonetheless, I find that the cumulative impact of several sheds on display on the frontage of the site, rather than their individual size, domestic scale or materials, would result in a significant visual impact on the locality. Furthermore, the sheds would project forward of the established building line set by the nearby domestic properties on Denby Dale Road. When considered cumulatively, these matters would have a material detrimental impact on the wider character and appearance of the locality. Moreover, the presence of several garden sheds on the frontage of these properties would be harmful to the domestic and residential character and appearance of those nearby properties.
14. The appellant states that garden sheds have, historically, been displayed in this area. There is no substantive evidence from the appellant before me to support this. However, photographs submitted by an interested party indicate that garden sheds, associated signage and paraphernalia have been displayed previously on the site. Having had regard to these photographs and my observations during the site visit, I find that the sheds and associated paraphernalia would have a detrimental impact and would detract from the contribution which the residential properties make to the mixed character and appearance of the area. In addition, I am led to understand that the display of sheds as shown has occurred without the benefit of planning permission. Notwithstanding this, and in any event, I must assess the proposal before me on its own merits.
15. I have had due regard to the appellant's points made in relation to the economic benefits of displaying the garden sheds on site. However, having considered all of the above, I find that these specific benefits to the appellant would not outweigh the harm which I have identified.
16. Consequently, I conclude that the proposal in respect of the change of use of the existing dwellings on the appeal site from C3 to B1 use is acceptable. However, the element of the proposed development relating to the change of use from residential curtilage to commercial land for the display of garden sheds would have a significant harmful effect on the character and appearance of the surrounding area. It would, therefore, be contrary to Policy D9 of the DPD. Amongst other matters, the policy seeks to ensure that development has no adverse effects on the character or appearance of its surroundings.

Conclusion

17. For the above reasons, and having had regard to all other matters raised, I conclude that the appeal should be dismissed.

Andrew McCormack

INSPECTOR