The Planning Inspectorate

Appeal Decision

Site visit made on 9 May 2017

by Graeme Robbie BA(Hons) BPl MRTPI

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

Decision date: 7 June 2017

Appeal Ref: APP/X4725/W/17/3169022
adjacent No 60, Station Road, Ossett WF5 8AY

- 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 and Mrs D Gomersall against the decision of City of Wakefield Metropolitan District Council.
- The application Ref 16/02214/FUL, dated 3 September 2016, was refused by notice dated 9 November 2016.
- The development proposed was initially described as '*the erection of new, one bedroom bungalow within a Conservation Area*'.

Decision

1. The appeal is allowed and planning permission is granted for the erection of a new one bedroom bungalow at land adjacent to No 60 Station Road, Ossett WF5 8AY in accordance with the terms of the application, Ref 16/02214/FUL, dated 3 September 2016, subject to the conditions set out in the attached schedule.

Procedural Matters

2. Although the description of development set out in the banner heading above is taken from the original planning application form, I have adopted the more concise description set out on the Council's formal decision notice in my decision, above.

Main Issues

3. The main issues are:

   - Whether the proposal would preserve or enhance the character and appearance of the Ossett Conservation Area; and
   - The effect of the proposed development on the living conditions of future occupiers of the proposed dwelling, with particular regard to outlook and outdoor amenity space.

Reasons

Character and Appearance

4. The appeal site lies within the Ossett Conservation Area (the Conservation Area). I note the description of the part of the Conservation Area within which the appeal site lies by the Council's Planning and Conservation Officer (PCO) in

the consultation response and, from my observations of the site and its surroundings, I see no reason to disagree with them. Specifically, I note that particular interest is derived from the mature trees and stone boundary walls, and the predominant use of stone as a building material, to be especially accurate. I also saw that pavement crossings into existing driveway entrances are, for the most part, clearly defined by stone sets and kerb stones, a feature that I consider adds to the interest and character noted above. The driveway entrance that serves the appeal site and dwellings to the rear is also notable for its stone entrance piers.

5. However, whilst the Council have expressed concern in their delegated officer report regarding the potential for the realignment of the existing access and boundary walls to cause harm to the character and appearance of the Conservation Area, this is not carried through to the formal reasons for refusal. Instead, the first reason for refusal instead cites the impact of the design, scale and layout of the proposal upon semi-mature trees close to the site as being harmful to the character and appearance of the Conservation Area.

6. Certainly, the substantial tree cover along both sides of Station Road contributes significantly to the character and appearance of the Conservation Area. Equally significantly, I saw that the semi-mature and mature trees set further back within adjoining plots add further depth and height to the prevailing sylvan nature of the surrounding area, creating a pleasant and verdant approach to the town centre, further to the northwest along Station Road.

7. There are no trees of note within the appeal site. Although overgrown and unkempt, I am satisfied that the proposed development would not compromise the prevailing greenery evident along this part of Station Road. Whilst it is noted that there are trees within the adjacent plot at 82 and 84 Station Road, I am not persuaded that the proposal would significantly increase the risk of harm to those trees, and it is not sufficient, even in the absence of a tree survey from the appellant, to merely state that trees would be impacted upon.

8. I am satisfied therefore that the proposal would not entail the removal of any significant or substantial trees from within the appeal site, nor has it been adequately demonstrated that the proposal would increase the risk of harm to nearby trees. The clearance of the rather unkempt and overgrown vegetation within the site could be appropriately managed and the existing verdant character and appearance of the surrounding area bolstered by a scheme of landscaping and planting appropriate to both the proposed dwelling and the surroundings. The relationship between the proposed dwelling and the surrounding tree cover would, in my opinion, be very little different from that experienced on adjacent plots, and I have not been presented with any evidence to suggest that there is undue or excessive pressure for the removal or significant pruning of trees as a result.

9. Although the Council's officer report expresses some uncertainty over the implications of the proposed realignment of the junction of the existing access with Station Road to create increased visibility splays in terms of the character and appearance of the Conservation Area, this is not translated into either of the reasons for refusal. Whilst these changes would open up the width of the existing entrance with a curved wall on the inside of the south-eastern side of the access, I am satisfied that the final details, construction materials and

alignment of this stretch of wall could be adequately and appropriately dealt with by way of a suitably worded condition. In reaching this conclusion, I am also mindful of the PCO's similar conclusions in this respect.

10. Thus, for the reasons set out, I conclude that the proposed dwelling would not be in conflict with policy D7 of the Wakefield Metropolitan District Council Local Development Framework Development Policies (2009) (LDFDP). For the same reasons, and having regard to the advice provided by the Council's Planning and Conservation Officer, I am also satisfied that the proposal would satisfy the statutory test[1] of preserving the character and appearance of the Conservation Area. In reaching this conclusion I have also applied the requirements of paragraph 131 of the National Planning Policy Framework (the Framework).

Living Conditions

11. The main parties do not dispute that the proposal would provide outdoor amenity space (measured by area) in excess of the levels set out in the Council's Residential Design Guide (RDG). However, the main area of outdoor amenity space would be situated around the building's north-west facing elevation, adjacent to the access lane. I agree that due to the orientation of the proposed dwelling and its internal layout, this elevation would become the dwelling's principal elevation.

12. I do not agree with the Council however, that this would necessarily render this space unusable, lacking in privacy or of an otherwise low quality. The access lane is neither busy, nor heavily trafficked and there are only a handful of properties accessed via the lane. I saw that the cobbled access lane that runs away from Station Road, the lower ground levels of the appeal site when compared with Station Road and the surrounding vegetation give the site a somewhat secluded, almost hidden, feel that belies its location adjoining Station Road. The small number of houses that are accessed via the lane are set amongst, and hidden behind, the large trees that are prevalent in the area. In my judgement, the level of passing traffic, whether on foot or by car, is unlikely to be so significant as to compromise the quality or usability of this amenity space. With a suitably worded condition regarding landscaping and planting I see no reason why an appropriate scheme could not be agreed that would supplement existing landscape features and provide additional screening around the site's north-eastern and north-western boundaries.

13. Although the proposal would not achieve the 10.5 metre minimum rear garden depth expressed in terms of back-to-boundary distance as required by the RDG, a width of more than 10.5 metres across the front of the north-west facing elevation would be achieved. Taken together with the overall area of outdoor amenity space which would exceed the 75 square metres required by the RGD, I am satisfied that the proposal makes provision for a sufficient amount of outdoor amenity space in line with the broad aims of LDFDP policy D9.

14. With regard to the relationship of the proposed dwelling with the surrounding trees this would, in my judgement, be little different from that experienced on adjacent plots. The adjacent dwellings share similar settings amongst the trees as the proposed dwelling would and I have no compelling evidence before me to suggest that there already exists undue or excessive pressure for the

[1] Planning (Listed Buildings and Conservation Areas) Act 1990 – section 72(1)

removal or significant pruning of trees arising as a result of the circumstances expressed by the Council's Arboricultural Officer. Rather, from my observations at my site visit, the verdant, sylvan nature of the surrounding area contributes significantly not just to the character and appearance of the area, but also to the setting of the dwellings located amongst them.

15. Therefore, whilst the proposal would represent a technical breach of the RDG's minimum back-to-boundary rear garden depth, I am satisfied that with an appropriately worded planning condition regarding landscaping and planting the proposal would provide sufficient, and sufficiently usable, outdoor amenity areas that would accord with the broad amenity protection aims of LDFDP policy D9. As such, the proposal would also accord with one of the Framework's core planning principles[2] of securing a good standard of amenity for all existing and future occupants of land and buildings.

16. Whilst matters of privacy and inter-visibility between the proposed dwelling and the existing dwelling at 60 Station Road were considered in the Council's officer report, I note that these did not form part of the Council's reasons for refusal. Nonetheless, I have considered the comments raised in the officer report and by neighbours in respect of privacy and daylight and sunlight neighbours in respect. However, I do not consider that compelling evidence has been submitted that would lead me to reach a different conclusion to that reached by the Council in formulating their refusal reasons and I am satisfied that the proposed dwelling, with a suitably worded condition regarding landscaping and planting, would avoid harm in these respects.

Conditions

17. I have considered the Council's suggested conditions in light of the Framework and Planning Practice Guidance. In addition therefore to a time limit condition and a condition specifying the approved drawings, both of which I find to be necessary in order to provide certainty, conditions regarding materials, I have also imposed, with alterations and slight amendment, conditions relating to external building materials for the dwelling, the realigned stone boundary wall and the revised access as well as landscaping. These are necessary in the interests of the character and appearance of the Conservation Area.

18. I agree that conditions regarding existing and finished floor levels, hard surfacing details and radon gas are necessary in the interests of the character and appearance of the Conservation Area and living conditions of future occupants of the approved dwelling.

Conclusion

19. For the reasons set out, and having considered all other matters raised, I conclude that the appeal should be allowed.

Graeme Robbie

INSPECTOR

[2] Paragraph 17

SCHEDULE OF 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 plans: DRG No. 16/053.

3) Development shall not commence until the following details have been submitted to and approved in writing by the local planning authority:

(i) the colour, type, and texture of all external building materials, including windows, doors and rainwater goods; (ii) the height, location, design materials and finish of all screening, retaining and boundary treatments including soft landscaping and planting proposals, the latter of which shall include a planting plan, schedule of proposed species and proposed planting numbers and densities, and details of works to the stone boundary wall; and (iii) the external appearance, colour, type, texture and composition of materials used in constructing the access. The landscaping works shall be carried out in accordance with the approved details before the approved dwelling is first occupied, and the development shall be carried out in accordance with the approved details and shall thereafter be retained in accordance with the approved details.

4) No development shall commence until a scheme of details of finished slab and floor levels together with corresponding existing and finished ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the details so approved and the dwelling shall not be occupied until the works have been completed. The approved levels shall be so retained for the lifetime of the development, unless otherwise approved in writing by the local planning authority.

5) No part of the development hereby approved shall be occupied or brought into use until either:

[i] a scheme demonstrating how suitable 'basic' radon gas protection measures will be installed has been submitted to and approved in writing by the local planning authority. The approved scheme shall be installed within each part of the development before that part is occupied or brought into use, and shall be retained and maintained for the lifetime of the development; or

[ii] a Radon Report has been submitted to and approved in writing by the local planning authority which demonstrates that radon protection measures are not required within the development.

6) The development shall not be brought into use until all areas indicated to be used for vehicles and pedestrians on the approved plan have been laid out with a hardened, sealed and drained surface. Provision shall be made to direct run-off water from the hard surface to a permeable or porous area or surface within the curtilage of the property. Such areas shall be retained as such for the lifetime of the development.